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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-second year

Letter dated 7 July 1997 from the Chargé d'affaires a.i.
of the Permanent Mission of Lebanon to the United Nations
addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's attacks on southern Lebanon and the Western Bekaa and the arbitrary practices against the civilian inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place in June 1997.

1 June 1997

At 1400 hours an Israeli forces patrol entered Arnun and Yuhmur. They arrested and interrogated seven residents, later releasing four of them.

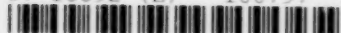
At 1615 hours outlying areas of Jba', Jarju', Arabsalim and Ayn Bu Siwar and the Mlita and Jabal Safi hills in the Iqlim al-Tuffah area came under Israeli artillery fire. At 1625 hours Israeli warplanes attacked the Ayn Bu Siwar hills.

Between 1730 and 1830 hours Israeli warplanes carried out a two-stage attack on outlying areas of Majdal Silm, wounding one person.

2 June 1997

The attacks carried out by Israeli warplanes on outlying areas of Majdal Silm and the Wadi al-Qaysiyah locality killed two residents and injured another.

At 1600 hours outlying areas of Jarju', Ayn Bu Siwar, Arabsalim, Humin al-Fawqa and Ayn Qana, the road between Jarju' and Ayn Bu Siwar and the Mlita



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and Jabal Safi hills came under Israeli artillery fire. This was accompanied by medium-altitude overflights by Israeli warplanes in the Iqlim al-Tuffah area.

At 1930 hours outlying areas of Majdal Silm, Sawwanah, Tulin and Khirbat Silm came under Israeli artillery fire.

3 June 1997

At 1430 hours outlying areas of Majdal Silm, Tulin, Qabrikha and Sawwanah came under Israeli artillery fire.

4 June 1997

At 0300 hours the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa and its surroundings came under Israeli artillery fire.

At 0900 hours a vehicle was blown up when four explosive charges were detonated on the Zillaya-Qilya road in Western Bekaa district. One person was killed and another was injured.

At 1030 hours Israeli warplanes overflew the Tyre area at low altitude.

At 1415 hours outlying areas of Majdal Silm, Qabrikha, Tulin and Sawwanah came under Israeli artillery fire.

6 June 1997

At 1545 hours outlying areas of Jba', Ayn Bu Siwar and Kafr Killa, the Wadi Jba' area and the Mlita and Jabal Safi hills came under artillery fire. It stopped at 1745 hours.

7 June 1997

At 1020 hours outlying areas of Ayn Bu Siwar and Jarju' and the Mlita and Jabal Safi hills came under Israeli artillery fire.

8 June 1997

At 0500 hours outlying areas of Frun, Ghanduriyah, Tulin and Qabrikha came under Israeli artillery fire.

At 1100 hours Israeli warplanes overflew the Tyre area at medium altitude.

From 1430 hours Israeli warplanes engaged in intensive low-altitude overflights of the Nabatiyah and Iqlim al-Tuffah areas and carried out mock attacks.

At 1530 hours Israeli warplanes overflew Sidon and the nearby camps at medium altitude.

10 June 1997

At 1055 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

12 June 1997

At 2000 hours outlying areas of Jarju' and Humin al-Fawga received bursts of sniper fire from Israeli forces positioned on Sujud hill. A field in Jarju' was set on fire.

13 June 1997

At 1300 hours outlying areas of Ayn Bu Siwar, Jarju' and Arabsalim and the Mlita and Jabal Safi hills came under artillery and medium-weapons fire from Israeli positions in the border strip.

At 1640 hours outlying areas of Qabrikha, Majdal Silm, Sawwanah and Tulin came under Israeli artillery fire.

14 June 1997

At 1030 hours outlying areas of Frun, Ghanduriyah, Tulin and Qabrikha came under Israeli artillery fire.

At 1940 hours outlying areas of Arabsalim, Jarju' and Ayn Bu Siwar and the Mlita and Jabal Safi hills came under Israeli artillery fire. This was accompanied by low-altitude overflights by Israeli warplanes in the Iqlim al-Tuffah area. In the shelling of outlying areas of Ayn Bu Siwar a number of homes were damaged.

16 June 1997

At 0850 hours Israeli warplanes overflew Sidon and the nearby camps.

At 1330 hours Israeli warplanes overflew the Iqlim al-Tuffah area carrying out mock attacks.

19 June 1997

At 0600 hours outlying areas of Mlikh, Arabsalim, Jarju', Ayn Bu Siwar and Luwayzah and the Jabal Safi and Mlita hills came under Israeli artillery fire.

At 2100 hours an artillery shell fired from Lahad militia positions on the facing hills fell in the vicinity of Jun in Shuf district.

25 June 1997

At 0730 hours outlying areas of Arabsalim, Jarju', Mlikh and Luwayzah, the Jarju'-Ayn Bu Siwar road and the Mlita and Jabal Safi hills came under Israeli artillery fire.

At 1315 hours Israeli warplanes overflew Sidon and the nearby camps at high altitude.

At 2110 hours Israeli warplanes overflew the Nabatiyah area at low altitude.

26 June 1997

At 1030 hours the vicinity of Yuhmur al-Shaqif and Mazra'at al-Hamra came under Israeli artillery fire.

At 2130 hours outlying areas of Nabatiyah al-Fawqa and Kafr Rumman and the vicinity of the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa came under Israeli artillery fire.

28 June 1997

At 0930 hours an area near the Sharaf refrigeration plant in the southern outskirts of Mashgharah in Western Bekaa district came under Israeli artillery fire. It stopped at 1010 hours.

29 June 1997

At 1045 hours Israeli warplanes overflew the Jiyah and Sa'diyat areas in Shuf district at low altitude.

At 2330 hours an Israeli force tried to enter an outlying area of Mayfadun. It was met by a Lebanese national resistance group, and clashes took place in which all types of weapons were used.

30 June 1997

Between 0700 and 0737 hours outlying areas of Zawtar al-Sharqiyah, Zawtar al-Gharbiyah and Mayfadun came under Israeli artillery fire.

At 1330 hours the southern outskirts of Mashgharah came under Israeli artillery fire, and the vicinity of the Muhaydali refrigeration plant was shelled. A vehicle was damaged before the shelling stopped at 1615 hours.

At 1400 hours outlying areas of Zibqin came under Israeli artillery fire and two homes were damaged.

The Lebanese Government strongly condemns the continued Israeli occupation and these fresh attacks and arbitrary practices inflicted on the Lebanese population, which have left a number of casualties and have caused further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Hicham HAMDAN
Chargé d'affaires a.i.



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Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND
REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Question of the violation of human rights and fundamental freedoms
in any part of the world, with particular reference to colonial
and other dependent countries and territories

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the joint mission charged with investigating allegations of massacres and other human rights violations occurring in eastern Zaire (now Democratic Republic of Congo) since September 1996, pursuant to paragraph 6 of Commission on Human Rights resolution 1997/58.



Report of the joint mission charged with investigating allegations
of massacres and other human rights violations occurring in eastern
Zaire (now Democratic Republic of the Congo) since September 1996

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I. INTRODUCTION

A. Origins of the joint mission

1. In its resolution 1997/58 of 15 April 1997, the Commission on Human Rights requested the Special Rapporteur on the situation of human rights in Zaire,² the Special Rapporteur on extrajudicial, summary and arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which had arisen from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session.

2. By that resolution, the Commission was acting on the recommendation made by the Special Rapporteur on the situation of human rights in Zaire following a preliminary mission, sent at the recommendation of the High Commissioner for Human Rights.³ In his report to the Commission on Human Rights at its fifty-third session, the Special Rapporteur on the situation of human rights in Zaire had recommended that, in conformity with the procedure laid down in Economic and Social Council resolution 1235 (XLII), the Commission should decide to investigate the gross violations of the right to life committed in eastern Zaire against refugees and the local population, by establishing a commission which could comprise representatives of the competent organs responsible for implementing the special public procedures of the Commission on Human Rights and which should be provided with all necessary technical and financial support, including the participation of forensic experts, anthropologists, ballistics experts and such other experts as were required.

B. Contacts between the High Commissioner and the Alliance des forces démocratiques pour la libération du Congo-Zaire (AFDL)

3. On 22 April, the Officer-in-Charge of the Office of the High Commissioner for Human Rights was informed by the Assistant Secretary-General for Political Affairs that the joint United Nations/Organization of African Unity Special Representative for the Great Lakes region had received from the AFDL President Laurent Désiré Kabila, in South Africa, a promise that he would facilitate the work of the joint mission.

4. On 25 April, the Officer-in-Charge of the Office of the High Commissioner for Human Rights, Mr. Ralph Zacklin, wrote to the President of the Alliance, on behalf of the joint mission, informing him that the mission would arrive in Goma, from Kigali, on 4 May and requesting his assistance in ensuring that the mission, which would be preceded by a team of officials from the Centre for Human Rights and security officers, would be able to perform its task.

5. On 30 April, the Secretary-General, reaffirming a statement made by its President on 24 April, called on AFDL and the other parties concerned to cooperate fully with the joint mission by ensuring access to the areas and sites under investigation, as well as the security of all members of the mission.

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6. On 28 April, the AFDL Commissioner-General for Justice, Mwenze Kongolo, informed the Officer-in-Charge of the Office of the High Commissioner for Human Rights that he agreed in principle to the investigation, while expressing disappointment that the Alliance had not been invited to participate in that effort and objecting to the participation of the Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón, who, he said had benefited from his assistance during his preliminary visit and had written a superficial report on him which was not, he felt, impartial. He proposed moreover, that the mission's visit should be delayed in order to allow investigators from the AFDL Justice Department to take part in the investigation. Otherwise, AFDL would not be prepared to allow the mission into the liberated areas.

7. This letter and a telephone conversation between the Officer-in-Charge of the Office of the High Commissioner for Human Rights and Commissioner Kongolo were nevertheless taken as a green light for the visit, or at least a "yellow light". On 1 and 2 May, the Officer-in-Charge informed the Commissioner that last-minute preparations were under way for the visit, that negotiators had been sent to settle the details and that the mission would arrive in Kigali on 3 May. AFDL agreed to receive the mission's emissaries in Lubumbashi on 4 May 1997.

C. Mandate and methodology of the joint mission

8. Prior to its departure, the joint mission held two days of consultations in Geneva to analyse its own mandate and the modalities which it would follow in performing its task. During these two days, the members of the mission met with the Officer-in-Charge of the Office of the High Commissioner for Human Rights and with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the Department of Humanitarian Affairs and various non-governmental organizations working in the region. They also met with the Chargé d'affaires of Zaire to the international organizations in Geneva and with a Mr. E. Angulu, whom the joint mission contacted because he had been claiming to be the AFDL spokesman in Europe. However, it should be noted that the Alliance authorities told the joint mission's negotiators, in Lubumbashi, that they had no knowledge of any such person.

Mandate

9. The members of the joint mission analysed the mandate, entrusted to them by the Commission on Human Rights under its resolution 1997/58, in an internal document entitled "Mandate". According to this document, the mandate was understood to cover:

(a) Ratione materiae, allegations of grave and massive violations of human rights, especially the right to life, and violations of international humanitarian law, particularly article 3 common to the Geneva Conventions;

(b) Ratione loci, eastern Zaire and any other part of the territory of Zaire caught up in the conflict between government troops and AFDL combatants, as well as any other place or country which the mission might decide to visit;

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(c) Ratione temporis, the period between 1 September 1996 and the end of the fifty-fourth session of the Commission on Human Rights;

(d) Ratione personae, the acts and deeds of anyone involved in the conflict in the territory in question, whether soldiers of the Zairian armed forces, AFDL combatants, mercenaries or foreign troops participating in the hostilities.

Methodology

10. A word of caution is in order regarding the preliminary nature of this report. It was understood among the members of the joint mission that the mission would concentrate on verifying whether the acts committed had been systematic and planned and whether some of them constituted acts of genocide under the terms of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

11. It was also understood that the mandate of the joint mission included gathering information that would help to establish the responsibility of those accused of the acts to be investigated.

12. Until the mission is able to conduct its visits in situ in conformity with the provisions of Commission on Human Rights resolution 1997/58, it will be difficult to regard its findings as definitive, even if the information analysed supports them. It is nevertheless possible to present the situation as it appears on the ground, to make an initial legal analysis and to formulate preliminary conclusions and recommendations.

13. The present report is submitted pursuant to resolution 1997/58, entitled "Situation of human rights in Zaire". It is divided into eight sections. The introduction described the origins and mandate of the joint mission. Section II describes the conduct of the mission and its activities on the ground. Section III presents the objections of the Alliance and the position of the joint mission. In section IV, the mission examines attacks on refugee camps and the situation of internally displaced persons. Section V deals with allegations of massacres and other human rights violations. In section VI, the joint mission analyses the situation in eastern Zaire from the standpoint of the provisions of international law, more particularly those relating to crimes against humanity, the crime of genocide and international humanitarian law. Lastly, section VII presents the mission's future activities and section VIII its conclusions and recommendations.

II. CONDUCT OF THE MISSION

14. The joint mission consisted of three components:

(a) A delegation of negotiators responsible for obtaining the Alliance's agreement on the modalities of the mission and for ensuring security;

(b) A United Nations team responsible for evaluating security in the region and establishing the conditions of that security;

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(c) The members of the mission as such, namely, the independent experts belonging to the joint mission and their technical assistants.

A. Contacts by the delegation of negotiators

15. On 28 April, a team consisting of two officials of the Centre for Human Rights went to Kigali, from which point they were to proceed to Goma in order to begin talks with the Alliance to settle the details of the mission's visit. The negotiators had to wait until 4 May for the Alliance's authorization to go to Goma.

16. On 4 May, these two officials appointed by the joint mission finally reached Goma; from there, they went on to Lubumbashi on 5 May. After encountering numerous obstacles, they succeeded in contacting the Commissioner for Justice, Mwenze Kongolo; the Commissioner for Foreign Affairs, Bizima Karaha; the General Commissioner for Information; and the Chef de Cabinet of the AFDL President. In the course of two meetings, each of which lasted more than two hours, they explained the mission's mandate. The Commissioner for Justice finally submitted a document containing the Alliance's comments on the proposed investigation, an analysis of which appears below.

17. The delegation returned to Kigali after six days of fruitless efforts to persuade the Alliance to accept the mission's mandate, as approved by consensus by the Commission on Human Rights, despite the concomitant efforts being made to that end from Geneva, New York and Kigali.

B. The role of the security team

18. The joint mission sent a security expert to the region. His evaluation report shows that many Alliance soldiers, all of whom are very young, react very negatively to the prospect of an investigation of their actions. In particular, the name of one member of the joint mission appointed by the Commission on Human Rights came up in all contacts. Strikingly, all the young soldiers seemed to be perfectly aware of the mandate and objectives of the joint mission, despite the relative isolation of eastern Zaire. They appeared to have received explicit instructions in this regard.

19. The report indicates that travel outside Goma was particularly complicated for security reasons.

20. The report notes the following three significant incidents:

(a) The first incident took place at a military roadblock near Sake, when a United Nations security officer tried to go to Masisi. About 2 kilometres from the roadblock, he came upon an AFDL patrol led by a soldier who was about 15 years old. While the United Nations official was talking to him, another soldier, about 14 years old, fired five shots in his direction at a distance of less than 10 metres; there was no reaction from the patrol leader. The soldier who fired said that it had been an accident. The leader, however, commented

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that the Alliance did not need "foreigners from the United Nations to come and make sure that the soldiers aren't hurting anyone";

(b) The second incident consisted of a military parade, accompanied by military songs, which took place just as the United Nations security officer was finishing making reservations for the members of the joint mission, in anticipation of authorization of the visit at a hotel reception desk;

(c) The third incident was the following: the United Nations security officer was accosted as he left the town of Goma. Some soldiers asked him whether he was with the joint mission. He answered in the affirmative. They told him that they had heard about the mission on British Broadcasting Corporation (BBC) Radio and that they knew from their superiors that it would go to Southern Kivu. At that point, one of the soldiers fired a shot over the officer's head, telling him that it was meant as a warning to a specific member of the joint mission never to come back to the area.

21. The report concludes that, according to all the information and testimony gathered there is a permanent atmosphere of insecurity and extreme tension in the area.

22. It should be noted that many people succeeded in contacting the United Nations security officer to recount the dramatic incidents which they had experienced and the human rights violations which they had suffered.

C. Activities of the joint mission in Kigali

23. While waiting in Kigali for authorization to visit eastern Zaire, the members of the joint mission studied all the available documentation and heard many spontaneous testimonies. They met with representatives of United Nations agencies, non-governmental organizations and members of the diplomatic corps accredited to Kigali. They also talked to journalists arriving from Kisangani and others who had spent many months in the region, and heard the testimony of repatriated former Rwandan refugees. They viewed filmed testimonies and unpublished photographs, all of which helped to shape the opinion presented in this report. The joint mission studied a total of 33 reports of agencies and testimonies of victims; it also saw many photographs and a videotape of massacre sites and mass graves. Many of the accounts and written reports were confirmed orally by their authors.

24. The members of the joint mission had to return to Geneva without managing to visit the area where they were to conduct the investigation. They made this fact public in a press release issued on 9 May 1997. Although the mission was unable to attain its primary objectives, its presence in Kigali, in addition to enabling it to gather the information mentioned above, served to draw the attention of the international community to the importance of including the issue of human rights in the process of conflict settlement and political transition in Zaire.

III. OBJECTIONS OF THE ALLIANCE AND POSITION OF THE JOINT MISSION

A. Objections of the Alliance

25. The Alliance's objections primarily concern the content of the report of the preliminary mission conducted by the Special Rapporteur on the situation of human rights in Zaire, the composition of the joint mission and, in particular, the participation of Mr. Roberto Garretón, as well as the mandate of the joint mission.

Report of the preliminary mission and composition of the joint mission

26. The Alliance, in the document which its Commissioner for Justice submitted to the negotiators appointed by the joint mission, complains that it did not see the report of the preliminary mission¹ until 5 May, when it received a copy from one of the negotiators. It also complains of not having been invited to Geneva by the United Nations Commission on Human Rights.

27. With respect to the composition of the joint mission, the Alliance expresses "serious reservations" about the participation of the Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón, for the following reasons:

(a) His report relied on the statements of Kamanda wa Kamanda, Minister for Foreign Affairs of Zaire, as almost irrefutable evidence of the allegations made against the Alliance; and

(b) He did not propose to conduct any investigation of human rights violations committed during the ethnic conflicts in Zaire.

Mandate and modalities of the investigation

28. Another of the Alliance's objections is that the mandate of the joint mission is limited to the period after 1 September 1996, when the war began, a time-frame which, it claims, was proposed by the Kinshasa Government. It suggests:

(a) That the mission should investigate the incidents that took place after 20 March 1993, when a conflict broke out in Northern Kivu which claimed many victims in Masisi, Rutshuru, Kalehe, Lubero, Goma and Nyragongo;

(b) That an investigation should be conducted on the alleged victims of the Zairian armed forces after the death of Colonel Makabe, the alleged victims of Zairian soldiers in the refugee camps between 1994 and 1996 and the acts of genocide committed by the INTERAHAMWE;

(c) That an investigation should also be conducted into the cases of Rwandan refugees in Zaire who died as a result of cholera and dysentery, as well as into the refusal of the INTERAHAMWE militias in the refugee camps to lay down their arms.

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29. The document submitted by the Alliance proposes some practical modalities for cooperation, in particular:

(a) That the investigation should take opposing viewpoints into account, that it should be conducted with the participation of a team of four national experts, that joint working meetings should be held and that the confidentiality of the testimony to be heard by the joint mission should be guaranteed, with the Alliance giving the necessary security guarantees;

(b) That the Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón, should not participate in the investigation because of the positions previously taken by him.

30. AFDL added two other conditions orally: the participation of observers from the Organization of African Unity and verification of the selection criteria for the legal experts.

B. Position of the joint mission

31. The joint mission rejected all of the above-mentioned conditions for the following reasons.

Report of the preliminary mission

32. In the first place, the joint mission points out that the report of the preliminary mission conducted by the Special Rapporteur on the situation of human rights in Zaire⁴ was published on 2 April and could have been consulted by any interested person, since it was a document for general distribution. Moreover, it is hard to understand how, if AFDL did not see the report until 5 May, it could have expressed reservations about the impartiality of the report's author and refused to agree to his participation in the joint mission as far back as 27 April, if not earlier. In addition, AFDL does not invoke any legally established basis to justify its protest at not having been officially invited by the Commission on Human Rights to participate in the debates of its latest session.

33. With regard to the quotations taken from a communiqué from the then Minister for Foreign Affairs, Mr. Kamanda wa Kamanda, contained in the preliminary report, the joint mission notes that the report⁵ mentions 50 incidents involving grave violations of the right to life and that only in relation to five of them is there a reference to a report by Mr. Kamanda, presented as only one of the sources cited. Moreover, the references to this information are designed to prove the obvious contradictions between the figures deriving from different sources.⁶ The report does not in any way accord Mr. Kamanda's report the status of "almost irrefutable" evidence or even simply an established presumption of evidence.

Mandate and modalities of the investigation

34. The accusation that the Special Rapporteur on the situation of human rights in Zaire refused to conduct investigations into the human rights violations

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committed between 1993 and 1996 during the ethnic conflicts in Kivu is unfounded. Indeed:

(a) In his first report on the situation of human rights in Zaire in 1994, the Special Rapporteur studied the ethnic conflicts in Northern Kivu, specifically following the Ntoto market massacre in March 1993, and also the participation of the Nande, Nyanga and Hunde ethnic groups and the support of the Zairian armed forces for the aggressors;⁷

(b) In his second report, concerning the year 1995, the Special Rapporteur again looked at the question in depth;⁸

(c) Moreover, during a mission to Rwanda in July 1996, the Special Rapporteur made a special investigation of the events in Northern Kivu to which AFDL is now referring. The investigation was carried out in Rwanda because the Kinshasa authorities had not authorized the Special Rapporteur to enter Zaire, and in the corresponding report, the responsibility of the Zairian Government is clearly established;⁹

(d) His third annual report¹⁰ updated the information contained in the report on his latest mission.

35. The period covered by the investigation was established by the Commission on Human Rights, by consensus, not by the members of the mission.

36. The question of Rwandan refugees who died as a result of cholera or dysentery falls within the mandate of the joint mission. As to the refusal of the Interahamwe militia⁵ to lay down their arms, the joint mission stresses that this question was taken up by the Special Rapporteur on the situation of human rights in Zaire in his earlier reports.¹¹

37. The mission cannot accept the Alliance's "practical modalities for cooperation" because they are totally incompatible with the mandate established by Commission on Human Rights resolution 1997/58:

(a) The joint mission cannot change its composition, which was determined by a consensus resolution of the Commission on Human Rights, either by removing one of the appointed members or by including persons not mentioned by the Commission, who would be both judges and parties. Indeed, in its resolution 1997/58, the Commission on Human Rights set up a team to carry out a joint mission to investigate the allegations in question. The mission cannot exclude one of its members without going back on the mandate entrusted to it. Moreover, it would be inappropriate for one of the parties under investigation to choose the persons who are to carry out the investigation; by the same logic, each of the other parties covered by the investigation (Zairian armed forces, former Rwandan armed forces and Interahamwe, mercenaries, etc.) could object to the participation of any one of the mission's members or demand the presence of their representatives;

(b) It would also be inappropriate to include observers from a body which is not mentioned in the resolution and whose participation would have to be

agreed upon and accepted by the Commission on Human Rights and the Organization of African Unity;

(c) The legal experts are performing their duties at the request of the joint mission, which approved their participation after satisfying itself as to their capabilities and their vast experience acquired while carrying out similar tasks within the United Nations. It is for the joint mission to analyse their observations and to evaluate them, under its responsibility, in the report.

IV. ATTACKS ON REFUGEE CAMPS

38. The tragedy which led the Commission on Human Rights to order investigations to be undertaken in eastern Zaire - a decision supported by the Security Council - was the existence of allegations that massacres had been committed inside the camps of Rwandan refugees who had entered Zaire after the Tutsi genocide and the massacres of moderate Hutus in Rwanda in 1994. The very existence of these camps was one of the causes that triggered the conflict in eastern Zaire - reason enough for devoting an entire section to this issue.¹²

39. Following the victory of the Rwandan Patriotic Front in Rwanda, some 1.2 million people, most of them Hutus, fled to Zaire. Among them were routed former members of the Rwandan armed forces and militia members known as Interahamwe or "those who attack together". Many testimonies referred to by the Special Rapporteur on the situation of human rights in Zaire in his report³ emphasize their savagery, as well as their incursions into Rwanda to eliminate witnesses of the genocide;¹³ such incursions are also being made into Uganda and it is feared that they will be made into Burundi.¹⁴ This massive refugee presence inflicted tremendous damage on Zaire's economy and environment and led to violent incidents between the refugees and the Zairian armed forces and also the local population, who saw thousands of their fellow countrymen leave in search of security and better living conditions.

40. According to AFDL forces and the Rwandan Government, most of the refugees are persons guilty of genocide, members of the former Rwandan armed forces and members of the Interahamwe militias,¹⁵ whether they are in the camps, hiding in the forests, have laid down their arms or are ill. A Mr. E. Angulu, who claims to be the AFDL representative in Europe and is regarded as such in various circles, told the joint mission that until the refugees are separated from members of the former Rwandan armed forces and the Interahamwe, they will all be viewed as the enemy, since they serve as its shield.

41. One cannot, of course, ignore the presence of persons guilty of genocide, soldiers and militia members among the refugees. Unfortunately, the Government of Zaire repeatedly opposed attempts to remove them, despite repeated requests from UNHCR and from the Special Rapporteur on the situation of human rights in Zaire. It is nevertheless unacceptable to claim that more than 1 million people, including large numbers of children, should be collectively designated as persons guilty of genocide and liable to execution without trial.

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Direct attacks by soldiers and/or civilians under the command of Alliance forces

42. According to the information received, savage attacks were launched early on in the war against the camps housing both Rwandan and Burundi refugees at Uvira (22 and 23 October), Bukavu (29 October and the following days), Goma (3 November) and on the outskirts of these towns. It mattered little whether or not the victims were persons guilty of genocide, Interahamwe, members of the former Rwandan armed forces or even intimidators. The same was true of the attacks on the Shabunda camp in mid-January 1997 and the Tingi-Tingi and Amisi camps in February. According to witnesses, the clashes and attacks were followed by massacres of refugees and murders of non-combatant civilians, almost all of whom were Hutus.

43. According to the data available, of 1.2 million refugees who settled in Zaire in or after July 1994, 1,150,000 were still in the refugee camps when the conflict began in September 1996. The arrival of the rebels and the attacks on the camps prompted some 600,000 Rwandan and 100,000 Burundi refugees to return to their countries at their own risk. By 6 May 1997, 183,000 refugees had been repatriated to Rwanda by UNHCR. Some 120,000 refugees fled to Kisangani, Ubundu and Masisi, and a further 2,100 took refuge in Tanzania. There is no news of some 140,000 refugees, even though on more than one occasion missing refugees were later found wandering westwards, hiding in the forests or lying low in some locality. The 250,000 refugees lost in November and only found again on 20 December between Shabunda, Tingi-Tingi and Walikale are not an isolated case.¹⁸

44. The refugees were forced to flee from one camp to another. Some of them went through as many as five camps, perhaps more. They had to travel hundreds of kilometres on foot, without any assistance. They were dispersed over particularly inhospitable areas inaccessible to humanitarian organizations, which meant that most deaths were caused by exhaustion and undernourishment, as well as malaria, cholera and dysentery.

45. Another stratagem used to attack the refugees was recently reported: according to numerous accounts, Alliance forces announce the arrival of humanitarian agencies so that refugees hiding in the forests and listening to the radio will assemble to receive aid; they are then killed or disappear definitively. When the aid agencies arrive, they find no survivors. This happened at Kisuki on 27 March and at Matebo three days later, and there are many other examples.

46. The accounts heard or read by the joint mission show that most of the acts of violence attributed to AFDL were carried out against refugees inside the camps, not only at the beginning of the war but up to at least May of this year. Very often, the targets were neither Interahamwe combatants nor soldiers of the former FAR: they were women, children, the wounded, the sick, the dying and the elderly, and the attacks seem to have had no precise military objective. Often the massacres were carried out after militia members and former FAR soldiers had begun to retreat.

47. The most recent incidents brought to the attention of the joint mission took place at Mbandaka on 13 May. Refugees, most of them women, children and

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unarmed men, who were fleeing westwards, were murdered and their bodies thrown into the Congo river, while some 140 refugees were buried by humanitarian organizations and peasants in communal graves. Responsibility for the killings was attributed to the unit responsible for "clean-up" operations, which had already operated in the area south of Kisangani. According to eyewitness accounts, which prompted the Special Rapporteur on the situation of human rights in Zaire and the Special Rapporteur on extrajudicial, summary or arbitrary executions to launch an urgent joint appeal, more than 30 civilians were murdered at Uvira on 26 May by AFDL security forces, while taking part in a demonstration organized in protest at the murder some time earlier of five people who had been kidnapped by Alliance members.

48. Moreover, even in the case of genuine combatants, it should be recalled that neither the Banyamulenge and the Alliance rebels nor the Interahamwe militias and former FAR members take prisoners. This fact was acknowledged by the person known as the Alliance representative in Europe, a Mr. E. Angulu, who also reported that former FAR members and Interahamwe combatants wounded in combat would be taken by their protectors, members of the Zairian armed forces, to Kinshasa, where they could be seen in hospital.

49. However, attacks on the camps were not the only method used to eliminate the refugees.

Blockade of humanitarian assistance

50. The blockading of humanitarian assistance has been a common occurrence, particularly in the days immediately following the conquest or "liberation" of an area. The first such blockade took place at Uvira. For almost the entire month of November, UNHCR was prevented from travelling to the Rutshuru area, and some areas were totally off-limits to it, for instance, the road between Hombo and Walikale, where extremely serious incidents are reported to have taken place. This was also the case in certain areas of Masisi and in the camp near Ikela. As recently as 15 May, the Deputy High Commissioner for Refugees, Mr. Sergio Vieira de Mello, was prevented from travelling beyond kilometre 42 south of Kisangani, where thousands of refugees were awaiting assistance. At the end of May, the blockade was still in force in various areas.

51. These incidents are never presented as a denial of access by the authorities, who generally cite reasons of security. This was the reason given to the Special Rapporteur on the situation of human rights in Zaire when, on 28 March, he was informed that he could not travel to Nyakariba and Niabitaba.¹⁷ A similar situation occurred at Kisangani, where the same objection was made to the Deputy High Commissioner for Refugees.

52. At other times, access to humanitarian assistance has been restricted to a few hours during the day and, in some cases, to a few days.

53. Lack of access to humanitarian assistance has extremely serious consequences: according to some sources, the mortality rate in the camps is between 5 and 25 deaths a day per 10,000 refugees and, in at least one case, 89.5 deaths a day per 10,000 refugees (in disaster situations, even a rate of

1 death a day per 10,000 persons is considered excessive). Nearly half the victims are children under the age of five.

54. Not only is the attitude which the Alliance forces have maintained for eight months now, despite repeated appeals from humanitarian agencies, difficult to explain, but it also prompts the suspicion that it is a more subtle but no less effective tactic aimed at eliminating the Rwandan refugees. The general impression of witnesses is that it is not just a question of sporadic violence, but rather of a skilfully applied stratagem. Those who escape attack risk their lives in the forests, despite the efforts of humanitarian organizations. This impression is borne out by the fact that a number of people claim to have been warned that simply helping Hutu refugees made them the enemy. Clearly, no amount of insecurity or instability in neighbouring countries can be invoked to justify these occurrences.

Situation of internally displaced persons

55. Since the beginning of the conflict in Northern Kivu,¹⁸ large numbers of Zairians have taken refuge in Rwanda - and, in 1996, 40,000 of them in Tanzania - and in other parts of the country. As of 29 July 1996, the number of internally displaced persons was between 250,000 and 400,000.

56. The situation of these persons remains as precarious as that of the refugees. Worse, in fact, since no specialized agency is dealing with their plight. Displaced persons and the Zairian population in general see the refugees as a "privileged" group who receive assistance from international intergovernmental and non-governmental organizations despite the damage - and this is a fact - which their presence has done to the local way of life and environment.

V. ALLEGATIONS OF MASSACRES AND OTHER HUMAN RIGHTS VIOLATIONS

57. The joint mission has received numerous reports and eyewitness accounts concerning allegations of massacres and other human rights violations. It goes without saying that an investigation in situ, as requested by the Commission on Human Rights, will permit these allegations to be verified first-hand.

A. Human rights violations attributed to the Alliance des forces démocratiques pour la libération du Congo-Zaïre

58. The number of reports received by the joint mission has almost tripled by comparison with the 50 allegations of massacres contained in the preliminary report of the Special Rapporteur on the situation of human rights in Zaïre.¹⁹ The joint mission did not focus its investigations on individual cases of summary execution, enforced disappearance, torture or other human rights violations, since its core mandate was to gather information and testimony on massacres and other massive violations of human rights. It nevertheless received numerous testimonies concerning such occurrences.

59. The joint mission received information on 134 alleged massacres, most of them carried out by AFDL and the Banyamulenge rebels. Of these, 93 allegedly took place in Northern Kivu, 29 in Southern Kivu and 2 in Upper Zaire. The victims were mainly refugees accused of belonging to the Interahamwe militias or the former FAR, but they also included the residents of predominantly Hutu Zairian villages presumed to have helped the refugees. According to the information received, several thousand people were killed, including large numbers of women and children. Tens of thousands of others, particularly refugees, disappeared involuntarily. Some of them, forced to take to the forests, probably died of disease or malnutrition, if they were not massacred. Some testimonies came from people who had themselves buried bodies in communal graves. Pieces of UNHCR tarpaulin were reportedly still visible on these graves. Many testimonies also mentioned the unbearable stench from mass graves almost everywhere in Kivu.

60. It should be added that, according to some reports, AFDL on several occasions forced the local population to participate in atrocities. For example, Zairian civilians launched a machete attack on the Kisesa I camp (housing some 25,000 people) on 21 April and the Kisesa II camp at kilometre 25 (30,000 refugees) on 22 April, destroying buildings and ransacking the equipment of humanitarian organizations and UNHCR. The reports and testimony received nevertheless assert that the local population participated in these attacks at the instigation and with the support of AFDL soldiers. The current authorities have ordered no investigation into these allegations; on the contrary, they have issued numerous denials. According to many eyewitness accounts, attempts were made to remove all trace of mass and communal graves, for instance, by setting fire to them.

61. Access to Kivu remains very difficult for humanitarian organizations, even as businessmen of all nationalities criss-cross the region in search of lucrative deals, escorted by AFDL forces paid for out of their own pockets.

B. Human rights violations attributed to the Zairian armed forces

62. The joint mission received testimonies and reports of the involvement of members of the Zairian armed forces, acting alone or with others (Bembe militias, for example), in human rights violations. The information received concerns 33 alleged violations, which are different from those already mentioned by the Special Rapporteur on the situation of human rights in Zaire in his preliminary report.⁴

63. Of these 33 alleged human rights violations, 19 were allegedly committed in Southern Kivu, 5 in Upper Zaire, 4 in Northern Kivu, 2 in Shaba and 1 in Eastern Kasai. Twenty-three allegations describe executions and massacres, most of whose victims were Zairian civilians and, more particularly, Banyarwanda. The remaining allegations concern other types of human rights violations, such as torture, rape and pillaging.

64. Both the Special Rapporteur on the situation of human rights in Zaire, on his visit to Goma from 27 to 29 March, and the negotiators who talked to the AFDL authorities at Lubumbashi indicated their willingness to receive any

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complaint which AFDL might make against the other parties to the conflict, whether members of the Zairian armed forces, mercenaries or any other person, and to examine and investigate those complaints.

65. In both instances, representatives of the Alliance undertook to provide the relevant information to the Special Rapporteur or the joint mission, as appropriate. Unfortunately, thus far, neither the Special Rapporteur nor the joint mission has received any such information.

C. Allegations of human rights violations attributed to members of the former Rwandan armed forces and the Interahamwe militias

66. The joint mission received 19 allegations of violations committed by members of the former FAR and the Interahamwe militias. Many testimonies reveal that members of the Interahamwe militias and the former FAR engaged in acts of intimidation to dissuade refugees from returning home. One witness said that he had stayed in a number of camps (Idjwii, Kashusha, Nyabibwe, Tebero, Walikale, Tingi-Tingi and Bula) and that the situation was the same in all of them. Many of those who tried to return home, simply announced their intention of doing so or were suspected of wanting to leave were executed.

67. The mission regrets the lack of cooperation from AFDL, which went back on its undertaking to transmit the evidence which it claims to have of atrocities committed by members of the former FAR and the Interahamwe militias.

D. Allegations of human rights violations attributed to other parties to the conflict

68. There is no doubt about the involvement of other parties in the war, including the Rwandan Patriotic Army and the armed forces of Burundi, as well as mercenaries and other militias such as the Mai-Mai and those of the Bembe ethnic group. In any event, the latter always seem to act in concert with other participants and only rarely on their own. When they do so, they appear to be linked with the main parties.

Rwandan Patriotic Army

69. In his annual report, the Special Rapporteur on the situation of human rights in Zaire says that "on at least one occasion (30 October), the Government of Rwanda admitted making an incursion into Zairian territory, and numerous witnesses have confirmed the presence of Rwandan soldiers in Zaire", and that the allegations about a foreign and, in particular, Rwandan military presence in Zaire are plausible.²⁰

70. Such foreign involvement could be explained as follows: the Zairian Government did not want to separate members of the Interahamwe militias and the former FAR from the genuine refugees, and thus allowed them to make the incursions mentioned above. As early as March 1995, the Vice-President of Rwanda, General Paul Kagame, expressed concern at the failure of the

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international community to prevent the militarization of the refugee camps, which was making incursions possible into his country. He said then that his Government would pursue any criminals who attacked Rwanda by attacking the country in which they were to be found.

71. In September, the President of Rwanda, Pasteur Bizimungu, issued a call from Cyangungu urging young Banyamulenge to send their wives and children to Rwanda and to take up arms again in defence of their rights. This particularly inflammatory speech was criticized by the Special Rapporteur on the situation of human rights in Zaire in his annual report.²¹

72. Furthermore, quite a number of Banyamulenge belong to the Alliance and many of them fought alongside the Rwandan Patriotic Front in 1994, as the Vice-President of Rwanda acknowledged in November 1996. The Special Rapporteur on the situation of human rights in Zaire even stressed that many Zairian Banyamulenge had secured posts in the Rwandan Government.²² Many of them returned to fight in their homeland. Similarly, the Rwandan Government and the Burundi Government (both of which, like the Banyamulenge, are predominantly Tutsi), reciprocated the support which they had received by sending soldiers to fight against Marshall Mobutu, the former protector of Juvenal Habyarimana's regime.

73. The testimony accusing AFDL of human rights violations often refers to APR complicity. Other testimony, however, especially that received by the joint mission, refers only to the involvement of APR. Most of the victims of the four alleged massacres reported to the mission were refugees, whose bodies were allegedly found in the Semliki, Karoroma, Lubero and Luhule rivers.

Armed forces of Burundi

74. As in the case of Rwanda, the desire to persecute Hutu refugees could explain the involvement of the Burundi authorities in the war in eastern Zaire. It should be recalled that, according to many accounts, the extremist Burundi Hutus of the National Council for the Defence of Democracy were broadcasting messages from Zairian territory inciting people to take up arms against the Government of Burundi.²³

75. Various accounts refer to the involvement of the armed forces of Burundi, especially at the beginning of the offensive by the Banyamulenge rebels. These accounts mention four incidents in which hundreds of Hutu refugees were allegedly massacred, especially at Gatuma camp in Southern Kivu.

Mercenaries

76. The involvement of mercenaries in the massacres was also finally confirmed. In this connection, the best documented incident is the one which occurred on 8 March, when members of the Zairian armed forces, together with Serbian mercenaries, tortured to death many Zairian civilians, including two priests, in the Kisangani area. The joint mission was also informed that in February 1997, mercenaries, together with members of the Zairian armed forces flying Yugoslav aircraft, allegedly bombed markets and civilian areas in Walikale in Northern

Kivu, killing many people. Similar incidents are said to have occurred at Shabunda in Southern Kivu.

VI. APPLICABLE PROVISIONS OF INTERNATIONAL LAW

77. The question that should be asked is whether or not incidents such as those described above were planned or systematic. From the reports and testimony received, it seems that their systematic nature and advance planning cannot be ruled out. This is illustrated by, inter alia, the tactic of laying siege to camps before attacking them, irrespective of their importance as military targets; summoning the inhabitants of predominantly Hutu towns to meetings in schools or churches, so as to massacre them; issuing appeals over the official radio station urging all those hiding in the forests to come out for medical care and food aid, so as to murder them; and hampering or opposing humanitarian operations in the camps.

78. The involvement of Alliance forces in these incidents is no longer in dispute: such incidents can be explained by a desire to exact revenge for the genocide perpetrated in Rwanda in 1994 and for the persecution and killings in Northern Kivu since March 1993. It should not be forgotten that the Banyamulenge, who admitted to the Special Rapporteur on the situation of human rights in Zaire that they were arming themselves in self-defence,²⁴ are members of the Alliance and that many of them joined the ranks of the Rwandan Patriotic Front, whose victory triggered the exodus of Rwandan refugees to Zaire and the United Republic of Tanzania.

Do the incidents described constitute a crime of genocide?

79. An initial question is whether or not the incidents described here constitute genocide. According to article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group."

80. There is no denying that ethnic massacres were committed and that the victims were mostly Hutus from Burundi, Rwanda and Zaire. The joint mission's preliminary opinion is that some of these alleged massacres could constitute acts of genocide. However, the joint mission cannot issue a precise, definitive opinion on the basis of the information currently available to it. An in-depth

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investigation in the territory of the Democratic Republic of the Congo would clarify this situation.

Do the incidents described constitute violations of international humanitarian law?

81. There is absolutely no doubt that the incidents in question occurred in the context of an armed conflict. None of the parties has denied this and the situation is therefore covered by the Geneva Conventions of 1949, to which Zaire is a party. It is also clear that the conflict involves third countries and has repercussions for other States (return of refugees, new refugee flows, etc.). Nevertheless, the conflict is taking place within the territory of one State. Although the Zairian Government denounced foreign intervention, the entire international community has treated the conflict as a non-international conflict.

82. On the other hand, the obstruction of humanitarian operations and the very serious violations of human rights and humanitarian law documented here can be viewed as a threat to international peace and security, within the meaning of Chapter VII of the Charter of the United Nations.

83. As a result, both the serious incidents reported here and the fact that the rebel forces have effectively controlled certain parts of Zairian territory since September 1996 must be viewed as much more than merely internal disturbances or tensions.

84. Based on the foregoing, the joint mission is of the view that the provisions of article 3 common to the four Geneva Conventions²⁵ must be applied to the conflict in eastern Zaire.

85. The allegations referred to in this report suggest that while there have been serious breaches of this provision, such breaches can be attributed not only to the Alliance but also to the other parties to the conflict.

Do the incidents described constitute crimes against humanity?

86. The final question is whether or not the incidents described here constitute crimes against humanity.

87. The concept of crimes against humanity was taken up in article 6 (c) of the Charter of the International Military Tribunal, Nürnberg, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, in the report of the Commission of Experts established by Security Council resolution 780 (1992) concerning the former Yugoslavia and, lastly, in the draft Code of Crimes against the Peace and Security of Mankind, prepared by the International Law Commission. Article 18 of the draft Code states that a crime against humanity means "any of the following acts, when committed in a systematic manner or on a large scale and instigated or directed by a Government or by any organization or group: murder; extermination; torture; enslavement; persecution on political, racial, religious or ethnic

grounds; institutionalized discrimination on racial, ethnic or religious grounds involving the violation of fundamental human rights and freedoms and resulting in seriously disadvantaging a part of the population; arbitrary deportation or forcible transfer of population; arbitrary imprisonment; forced disappearance of persons; rape, enforced prostitution and other forms of sexual abuse; other inhumane acts which severely damage physical or mental integrity, health or human dignity, such as mutilation and severe bodily harm".

88. In the joint mission's opinion, the concept of crimes against humanity could also be applied to the situation which reigned and continues to reign in the Democratic Republic of the Congo.

VII. FUTURE ACTIVITIES OF THE JOINT MISSION

89. The joint mission regrets that the authorities in power in the conflict area prevented it from fulfilling its mandate more effectively. In any event, it is awaiting the resolution to be adopted by the General Assembly pursuant to the last part of paragraph 6 (a) of Commission resolution 1997/58 and hopes that the current Government of the Democratic Republic of the Congo will remove the obstacles that the mission encountered when it attempted to visit the area in question and will agree to respect the decisions of the competent United Nations organs.

90. The joint mission has already begun preparations for a further attempt to visit the area where the conflict took place.

91. The difficulties of conducting an investigation of the kind proposed must be understood: it is not easy to coordinate the normal activities of the three members of the joint mission, each of whom has functions to perform in his own country which he cannot simply abandon. Coupled with these considerations is the fact that the planning of work on the ground must be coordinated with the Argentine anthropology and forensic medicine team, which had to change its programme of work at the time of the abortive visit to Zaire.

92. The joint mission therefore hopes that, within the framework of the preparatory mission sent to Zaire on 20 June 1997 by the Secretary-General following consultations with President Laurent Désiré Kabila, the authorities of the Democratic Republic of the Congo will provide the necessary guarantees for the investigation to be conducted in strict compliance with resolution 1997/58, as interpreted by the mission within the above-mentioned terms of reference. As this report was being finalized, the preparatory mission was holding discussions with the Minister for Emergency Reconstruction and Planning and a "Liaison Committee" established for that purpose, but there was still no definite sign that the authorities of the Democratic Republic of the Congo were prepared to respect the above-mentioned resolution.

93. The Government of the Democratic Republic of the Congo will also have to adopt and enforce very tight security measures in order to prevent a recurrence of the situations described above and to ensure the freedom of movement of the joint mission.

VIII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

94. In addition to the analysis contained in the report of the preliminary mission of the Special Rapporteur on the situation of human rights in Zaire to eastern Zaire in March 1997, the joint mission received testimony and information on the perpetration of massacres and other serious violations of human rights and international humanitarian law. Since the preliminary mission, the number of allegations received concerning massacres and mass grave sites has quadrupled. In addition, it was particularly shocking to note the absence of prisoners of war and the attacks on hospitals and medical centres. These massacres and human rights violations were the result of:

(a) Indiscriminate attacks on refugee camps, in which not only members of the former Rwandan armed forces and the Interahamwe, authors of threats and persons guilty of genocide were killed and wounded, but also many innocent civilians, particularly children, women and the elderly;

(b) The systematic blockade of humanitarian assistance intended for refugee camps, which meant that many refugees died of malnutrition and disease;

(c) The policy of war without quarter, which precluded the taking of prisoners;

(d) Measures of intimidation aimed at forcing refugees to flee into the forests and towards hostile areas where access by humanitarian missions was absolutely impossible.

95. As of now, the joint mission can say that there are reliable indications that persons belonging to one or other of the parties to the conflict in eastern Zaire, now Democratic Republic of the Congo, probably committed serious violations of international humanitarian law, particularly of article 3 common to the four Geneva Conventions of 1949, between early September 1996 and 17 May 1997. These violations of international humanitarian law were committed mainly by AFDL, the Banyamulenge and their allies (68.02 per cent of the allegations received). They were also committed by the Zairian armed forces (16.75 per cent of the allegations received); the former Rwandan armed forces and the Interahamwe (9.64 per cent of the allegations received); the Rwandan Patriotic Army (2.03 per cent of the allegations received); the armed forces of Burundi (2.03 per cent of the allegations received); and mercenaries (1.52 per cent of the allegations received) fighting on the side of the Kinshasa Government. It should be stressed that the joint mission also identified more than 30 cases in which the authors could not be determined. Such crimes seem to be sufficiently massive and systematic to be characterized as crimes against humanity. Until a more in-depth investigation is able to identify their perpetrators, they should be declared not subject to statutory limitations, in accordance with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968. Moreover, their authors could be brought to trial before international tribunals, as was decided in the case of the former Yugoslavia and Rwanda.

96. Following an in-depth study of all the testimony and other information available, the question of whether a genocide was planned and executed should be asked. The common ethnic identity of most of the victims is a matter of record: Zairian Hutus and Hutu refugees from Rwanda and Burundi. The methods used, namely, deliberate, premeditated massacres, the dispersal of refugees to inaccessible, inhospitable areas, the systematic blockade of humanitarian assistance and the stubborn opposition thus far to any attempt to conduct an impartial, objective investigation into the very serious allegations received are particularly troubling. However, in the absence of access to the scenes of the alleged crimes and a more in-depth and comprehensive investigation, the joint mission can only reserve its response to this question for the time being. The seriousness and the number of the allegations received confirm the need for the international community, particularly all the States parties to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, to devote sustained attention and top priority to the urgent need to bring an immediate halt to the human rights violations and the blockades and to conduct in the territory of the Democratic Republic of the Congo, and in any other territory that may be appropriate, the in-depth, impartial and objective investigations that the question of genocide warrants.

97. The joint mission is equally concerned at the persistence of serious allegations of human rights violations and massacres committed, particularly in Northern and Southern Kivu, and at the violent suppression of mass demonstrations. In this connection, the summary executions which accompanied the seizure of power in Kinshasa bear out concerns about the actions of Alliance soldiers out of range of the cameras and raise worrying questions about their future role in a society that is supposedly making the transition to democracy. More than ever, the situation calls for in-depth, independent investigations to be conducted urgently throughout the territory of the Democratic Republic of the Congo.

98. The joint mission regrets that its mandate covers only those incidents which have occurred since September 1996, as the main cause of the conflict in the Congo was the massive influx of refugees from Rwanda and Burundi into the eastern part of the country following the massacres and genocide which took place in Rwanda between April and July 1994. The mission feels that its mandate could be altered ratione temporis to permit more exhaustive investigations.

99. The joint mission expresses its gratitude to the Secretariat and to the officials of the humanitarian agencies of the United Nations system working in the Great Lakes region and at the various headquarters, for the support which they provided, and to the non-governmental organizations which transmitted invaluable information to it.

100. The joint mission was set up at the proposal of the Special Rapporteur on the situation of human rights in Zaire, who felt that the dissemination of the reports of the mechanisms of the Commission on Human Rights, the confidence shown in them by human rights organizations, the coordination that exists among all those mechanisms and the expertise, impartiality and independence of the rapporteurs and members of working groups on these questions would guarantee the credibility of its reports.

101. Nevertheless, the honorary, part-time nature of their mandates prevents the persons in charge of these mechanisms from devoting themselves entirely to their tasks, which are some of the most important tasks assigned by the United Nations in the area of the protection of human rights. Moreover, these mechanisms were established by the Commission on Human Rights, a technical organ of the Economic and Social Council which does not have the means to implement its decisions. The special rapporteurs' only strength lies in the professionalism of their reports, their integrity and their reputation. The Alliance's case is not the first in which a Government or authority under investigation has refused to cooperate in any way, meaning that alternative investigation modalities have to be considered. Whatever investigations may be conducted in future, they will have to meet the following criteria: they will have to be thorough, impartial and professional and entrusted to objective individuals with expertise in the field of human rights who can devote themselves entirely to their tasks, in complete independence and free from political influence of any kind, and who can formulate their conclusions in a report that can be circulated widely.

B. Recommendations

To the Government of the Democratic Republic of the Congo

102. The joint mission recommends to the Democratic Republic of the Congo that it:

(a) Clearly demonstrate its attachment to the cause of human rights by unequivocally and publicly condemning the atrocities described in this report and by pledging to do its utmost to put an end to them;

(b) Put an immediate end to the blockade of humanitarian assistance intended for refugees and displaced persons and take all appropriate steps to end the suffering of the most disadvantaged refugees, particularly dispersed refugees, women, the elderly and children;

(c) Guarantee the security and the right to life and physical integrity of anyone who is in the territory under its jurisdiction;

(d) Cooperate unreservedly with the mission charged with investigating allegations of massacres and other human rights violations in the eastern part of the Congo, ensure that it has unimpeded access to the territory and give it the necessary security guarantees; protect the sites of massacres and guarantee the security of any witnesses, in strict accordance with the decisions of the competent United Nations organs, particularly Commission on Human Rights resolution 1997/58. In particular, the mission's freedom of movement and security must be guaranteed, so that the incidents reported by the security officer and described in section II of this report do not recur;

(e) With respect to the allegations of massacres and violations of human rights and international humanitarian law, order official, impartial investigations which conform to United Nations norms on the effective prevention and investigation of extrajudicial, arbitrary and summary executions and other applicable norms. Investigation of the allegations described in this report

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will have to be entrusted to persons of the highest moral standing, acting with complete independence and having considerable expertise in this field. The report will have to be made public. In addition, all necessary measures will have to be taken to end impunity and the cycle of criminal violence, in order to promote the full and complete attainment of the rule of law in the Democratic Republic of the Congo;

(f) Promote the rule of law, in particular by establishing an effective, independent and impartial judicial system that provides guarantees against the impunity which, once again, is the main cause of the persistence of human rights violations throughout the Great Lakes region;

(g) Establish a genuine civil service and, in particular, a civilian police force that is separate from the military forces of the Alliance and that respects international rules on the use of public force by law enforcement officials. In this connection, anyone accused of participating in torture, summary executions or enforced disappearances must not be admitted to the police force;

(h) Enable United Nations agencies, in particular the Office of the High Commissioner for Human Rights/Centre for Human Rights, UNHCR, UNICEF and the World Food Programme, and other humanitarian organizations to carry out their work with a view to solving the problems confronting the Democratic Republic of the Congo, with particular emphasis on the protection of women, children and the elderly, whether refugees or victims of forcible dispersal or displacement, and of the sick and wounded.

To the United Nations and the international community

103. The joint mission makes the following recommendations to the United Nations and the international community:

(a) The Security Council could envisage the immediate dispatch of military and/or police observers to areas where there is little or no security;

(b) The necessary steps should be taken to ensure that the investigation of massacres and other human rights violations can be carried out in cooperation with the Government of the Democratic Republic of the Congo, using all necessary technical and human resources;

(c) With reference to the content of paragraph 102, the following two options can be envisaged:

- (i) Either retain the existing mission and add professional investigators to it who will remain in the field throughout the mission's mandate and work under the authority of the independent experts, with all necessary guarantees for their security and freedom of movement;
- (ii) Or establish, under the aegis of the Security Council, a standing commission whose experts will be able to remain in the field for as long as their mandate requires, without prejudice to the powers already attributed to the Commission's non-treaty mechanisms;

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(d) Without prejudice to any resolution that may be adopted by the General Assembly, the possibility should be considered of convening a special session of the Commission on Human Rights, given the ratione temporis and ratione loci limitations placed on the joint mission's mandate and the explosive situation currently prevailing in the Democratic Republic of the Congo;

(e) Humanitarian corridors should be established so that refugees hiding in the forests can have access to humanitarian organizations and be repatriated to their own countries if they so wish, and, in general, the international duty of protection for refugees under the Convention on the Status of Refugees of 28 July 1951 should be respected and enforced;

(f) The necessary steps should be taken to ensure that persons who are accused of participating in the genocide in Rwanda and are currently mingled with the refugees appear before the competent international criminal tribunal;

(g) The necessary steps should be taken to halt arms trafficking in the Great Lakes region and to publicize the report prepared by the International Commission of Inquiry established under Security Council resolution 1013 (1995) and maintained pursuant to resolution 1053 (1996) on this question.

To the Governments of neighbouring countries of the Democratic Republic of the Congo

104. The joint mission recommends to neighbouring countries that they:

(a) Take in the refugees who are in their territory, respecting the right of asylum and halting the mass expulsion of refugees;

(b) Protect the refugees and disarm any asylum-seekers who may be armed;

(c) Prevent their territory from being used to infiltrate and destabilize other neighbouring countries.

To the Government of Rwanda

105. The joint mission recommends to the Government of Rwanda that it, in particular:

(a) Take in the Rwandan refugees, particularly those repatriated from the Democratic Republic of the Congo, guaranteeing their security and fully respecting their fundamental rights. In this connection, the policy of rounding up returnees must not encourage the practice of summary executions, enforced disappearances, settling of scores or arbitrary detentions. Where there is reliable evidence of participation in the genocide, the persons concerned must be given a fair trial which respects the presumption of innocence and the rights of defence before an impartial court;

(b) Order in-depth, independent and impartial investigations in accordance with the relevant United Nations rules, entrusting them to independent persons of the highest moral standing and with the requisite expertise, and bring the

alleged perpetrators of such violations before the courts, regardless of their rank;

(c) The Government of Rwanda must also clearly demonstrate its attachment to the cause of human rights by unequivocally and expressly condemning, like the Government of the Democratic Republic of the Congo, the atrocities described in this report.

Notes

¹ The following abbreviations will be used in the present report:

AFDL	Alliance des forces démocratiques pour la libération du Congo-Zaïre
APR	Rwandan Patriotic Army
FAB	Armed forces of Burundi
FAR	Rwandan armed forces
FAZ	Zairian armed forces

² In the present report, the name Zaïre will be used in all cases in which the events in question occurred prior to 17 May 1997, and the name Democratic Republic of the Congo will be used in the case of events occurring from that date onwards.

³ That mission took place from 25 to 29 March 1997 and was intended to investigate allegations of massacres of Hutu refugees in eastern Zaïre (E/CN.4/1997/6/Add.2).

⁴ E/CN.4/1997/6/Add.2.

⁵ Ibid., paras. 21 and 45.

⁶ Ibid., para. 49.

⁷ E/CN.4/1995/67, paras. 85 to 95.

⁸ E/CN.4/1996/66, paras. 23 to 32.

⁹ E/CN.4/1997/6/Add.1.

¹⁰ E/CN.4/1997/6, paras. 164 to 169.

¹¹ Paras. 96 to 103 and 275 of the first report; paras. 44, 45, 51, 131 and 132 of the second report; paras. 157 to 163 and 233 of the third report; and paras. 86 and 126 (d), (e), (f), (g) and (i) of the report on the mission to Rwanda in July 1996.

¹² For the causes and initial development of the conflict, see the report of the Special Rapporteur on the situation of human rights in Zaïre (E/CN.4/1997/6, paras. 170 to 189). The Special Rapporteur warned against the possibility of

/...

such a conflict, even before it broke out, in document E/CN.4/1997/6/Add.2, following his visit to Rwanda in July 1996.

Briefly summarized, the long-term causes of the conflict are that "frontiers were drawn between various colonies regardless of the borders recognized by the 'original' ethnic groups and this situation was aggravated by the transplantation of populations"; to these must be added a political cause, the withdrawal of Zairian nationality from the Banyamulenge, Tutsis who had been established in Zaire for generations; the massive influx of Rwandan refugees following the genocide in their country, and its disastrous consequences for the local economy and environment; and, lastly, incitement by the authorities, who were pushing for the expulsion of all Rwandans - Hutu or Tutsi - from the territory of Zaire.

Such incitement prompted the Banyamulenge to organize to defend themselves in the face of threats of expulsion, so much so that initially the war was termed the war of the Banyamulenge and was led by one of them, Miller Ruhimbika. The Banyamulenge enjoyed the full support - weapons, personnel and resources - of the authorities in power in Rwanda and Burundi, who were also Tutsis. The nationality issue subsequently receded because the conflict, as it developed, turned into a war, directed by AFDL under the leadership of Laurent Kabila, against the dictatorship of Mobutu Sese Seko, former ally of the late President of Rwanda, Juvenal Habyarimana.

¹³ E/CN.4/1997/6/Add.1, paras. 121 and 123.

¹⁴ Ibid., paras. 122 and 124.

¹⁵ See the reports of the Special Rapporteur on the situation of human rights in Zaire: E/CN.4/1995/67, para. 96; E/CN.4/1996/66, paras. 32, 44 to 51 and 132; E/CN.4/1997/6, para. 157; E/CN.4/1997/6/Add.1, especially paras. 38 to 41, 51, 75 and 76.

¹⁶ E/CN.4/1997/6, para. 160.

¹⁷ E/CN.4/1997/6/Add.2, para. 13.

¹⁸ E/CN.4/1996/66, paras. 23 and 31, and almost the entire report in document E/CN.4/1997/6/Add.1.

¹⁹ E/CN.4/1997/6/Add.2.

²⁰ E/CN.4/1997/6, paras. 178 and 179.

²¹ Ibid., para. 181 and note 11.

²² Ibid., para. 178 and note 10.

²³ E/CN.4/1996/66, paras. 55 and 56.

²⁴ Ibid., para. 37.

²⁵ In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) Taking of hostages;

(c) Outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. (...)



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SECURITY COUNCIL
Fifty-second year

RIGHT OF PEOPLES TO SELF-DETERMINATION

HUMAN RIGHTS QUESTIONS

Letter dated 9 July 1997 from the Permanent Representative
of Cambodia to the United Nations addressed to the
Secretary-General

I have the honour to submit for your information the appeal of Prince Norodom Ranariddh, First Prime Minister of the Kingdom of Cambodia, to the international community, dated 8 July 1997.

I would be grateful if you would have the text of the present letter and its annex circulated as a document of the fifty-first session of the General Assembly, under agenda items 109 and 110, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary and Plenipotentiary
Permanent Representative



ANNEX

Appeal of Prince Norodom Ranariddh, First Prime Minister
of Cambodia, to the international community, issued on
8 July 1997

The recent event that took place last Saturday in my poor country of Cambodia saddened me deeply. As a Cambodian, I feel ashamed for the act committed by my colleague, Second Prime Minister Samdech Hun Sen. His love for absolute power over Cambodia and the suffering Cambodian people showed how thirsty he is to control and direct Cambodia illegally and unconstitutionally.

I, Norodom Ranariddh, who was elected by universal suffrage in democratic elections organized and supervised by the United Nations in 1993, won the elections. In the spirit of national reconciliation under the very high leadership of King Norodom Sihanouk, I agreed to share power with Samdech Hun Sen, the loser of the election.

The Royal Government of Cambodia was then formed, with two Prime Ministers sharing equal power. I agreed to put into practice this new system of two Heads of Government, hoping that slowly the people and the nation of Cambodia would be unified. But this did not work out. The Cambodian People's Party (CPP) under Samdech Hun Sen continued to deny me and the Funcinpec Party equal power in villages and communes and at the district level.

As time passed, the more and more aggressive nature of Samdech Hun Sen was shown in his open criticism without shame against me and the Funcinpec Party. The spirit of national reconciliation has been slowly deteriorating and breaking apart since March 1996. As a national leader, Samdech Hun Sen continued to attack me in an unprofessional manner. His words and actions do not befit a national leader.

1. I therefore appeal to all peace- and justice-loving nations of the world who have always supported Cambodia's right to liberty to intervene in Cambodia. This is a shameful act committed by my colleague and partner Samdech Hun Sen, Second Prime Minister. I call for the renewal of the discussion on national reconciliation, as proposed by King Norodom Sihanouk in his letter addressed to me and my partner as well as to Mr. Samdech Chea Sim, President of the National Assembly. My door is open for discussion with him at any time and any place, except Cambodia.

2. If all approaches towards negotiation fail, I appeal to the States Members of the United Nations not to recognize the new coup leaders in Cambodia. No coup d'état whatsoever could be condoned by any peace-loving nations.

3. I appeal to the international community to place economic sanctions on Cambodia.

4. I call on all Member States to continue to recognize the current Ambassadors and Consul Generals of the Kingdom of Cambodia, accredited all over the world, who were recommended by me and Samdech Hun Sen himself and approved by the Foreign Affairs Committee of the National Assembly of the Kingdom of Cambodia. All their credentials were signed by King Norodom Sihanouk. They

/...

should not be removed by the coup leader. They are the true representatives of the Royal Government of Cambodia.

5. I call on the Association of South-East Asian Nations (ASEAN) to review the admission of Cambodia into its distinguished Association. Cambodia is no longer a democratic nation. The current coup leaders under Samdech Hun Sen are not democratically elected leaders of the Cambodian people, but oppressors of the suffering innocent Cambodian people. ASEAN should continue to put Cambodia on its agenda as was successfully done in the United Nations from 1979 to 1991, leading to the successful Paris International Conference on Cambodia, co-chaired by France and Indonesia.

6. No one can replace me as First Prime Minister of the Kingdom of Cambodia. If another individual is put into place, he or she will first have to have a vote of confidence in the National Assembly of Cambodia and secondly be introduced to the King in an official swearing-in ceremony in the Hall of the Throne of the Royal Palace at which all members of the new cabinet and members of Parliament must be present. If a new cabinet is set up, the First Prime Minister will be the real puppet of Samdech Hun Sen. The King is presently in Beijing for medical treatment and the Hall of the Throne of the Royal Palace of Cambodia cannot be dismantled and transported elsewhere on earth.

The National Assembly of Cambodia is no longer a credible body consisting of democratically elected law-makers, but rather a rubber-stamp people's congress of Samdech Hun Sen and the CPP. Functionary members of Parliament have fled or are in hiding somewhere in Cambodia. The lives of those who are overseas are safe, but those who have been detained and forced at gun-point will from now on have to answer to and support Samdech Hun Sen.

7. Cambodia's democracy has collapsed. Freedom of the press no longer exists, and those who dare to criticize Samdech Hun Sen will be physically silenced. It is now a military junta regime led by coup leader Samdech Hun Sen and his collaborators. It is not an internal affair of Cambodia, as claimed by Samdech Hun Sen, and he cannot deceive the international community by claiming that he represents, legally and legitimately, the Royal Government. He needs the Royal Government only for his own personal ambition.

8. The international community, through the United Nations, has invested so much time and energy, along with financial assistance and human resources, to put Cambodia back into a state of law as well as slowly to improve human rights conditions. It should continue to intervene in this critical situation and to put pressure on the coup leaders so that they will not be recognized and that no assistance whatsoever in any form will continue to flow freely into Cambodia.

9. I am deeply saddened by the loss of my friend and comrade-in-arms, Ho Sok, Secretary of State for the Interior, who was arrested, detained and shot to death by the coup leader without giving him a chance to answer before a court of law. I present my heartfelt condolences to his beloved family and friends. The memories of my beloved friend Ho Sok, a distinguished and loyal servant of the Cambodian people, will always be eternally cherished in my heart. The Cambodian Constitution abolished the death penalty on 23 September 1993, when the new Constitution of the Kingdom of Cambodia was promulgated by the King. This is a pure violation of human rights by Samdech Hun Sen.

/...

10. Samdech Hun Sen and the CPP fear the democratic elections next year, which we both agreed should be held in May 1998 with the cooperation of the United Nations, which will coordinate international observers. Samdech Hun Sen presumably knew beforehand that he and the CPP would lose the elections, because there would be then only one Prime Minister according to the new Constitution of Cambodia after the general elections in 1998.

11. Cambodia now returns to the law of the jungle - commands and dictates only by Samdech Hun Sen. Cambodia is Hun Sen. Hun Sen is the law. Hun Sen is the court of justice and Hun Sen is the judge.

12. My partner, Samdech Hun Sen, has accused me of treason in my national reconciliation efforts to bring the Khmer Rouge to abide and respect the Constitution of the Kingdom of Cambodia and to pave the way for them to join all our beloved Cambodian compatriots in one big family. Samdech Hun Sen has quickly forgotten that he was a rough and tough Khmer Rouge commander himself, and Samdech Hun Sen committed tremendous crimes against humanity under the Pol Pot regime in the years from 1975 to 1979. If Pol Pot is to be put on trial by the International Court of Justice, Hun Sen will no doubt be pointed out by Pol Pot as his collaborator and commander of the Khmer Rouge. I agreed to welcome him as my partner and colleague and allow him to bear the title of Co-Prime Minister of the Royal Government of Cambodia when he lost the general elections in 1993. So he is a Khmer Rouge too and I had no fear of him whatsoever during my working days with him. I still have no fear of him now. But Hun Sen fears the forces of democracy of the Cambodian people.

13. Samdech Hun Sen negotiated directly with the infamous Khmer Rouge leader Ieng Sary, who is the brother-in-law of Pol Pot and former Khmer Rouge Foreign Minister, without my knowledge. He informed me only later when he wished to request amnesty from the King for Ieng Sary.

14. I call on all foreign investors to boycott Cambodia and not to throw their money needlessly into the personal coffer of Samdech Hun Sen.

15. More than 60 per cent of the Cambodian national budget depends yearly on the help of donor countries. I call on the International Conference on the Reconstruction of Cambodia and the Consultative Group Meeting to freeze all their assistance to Cambodia.

16. The International Monetary Fund and the World Bank, as well as the Asian Development Bank and endless international banking institutions around the world, should cease to lend money to the coup leaders of Cambodia. If they do so, this money will be used to suppress the frightened innocent people of Cambodia.

17. Their forces have looted the stores and shops of the poor Cambodian merchants. They are not, therefore, protectors of the safety and security of their own people, but rather thieves and robbers.

18. The coup leaders violated the Constitution of Cambodia and they should not be recognized as the legal representative of the Kingdom of Cambodia.



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SECURITY COUNCIL
Fifty-second year

Letter dated 17 July 1997 from the Permanent Representative
of Cambodia to the United Nations addressed to the
Secretary-General

I have the honour to enclose herewith for your urgent attention a declaration issued on 16 July 1997 by H.E. Mr. Son Soubert, Second Vice-President and member of the Permanent Committee of the National Assembly (annex I), on the recent bloody coup d'état in Cambodia launched by Second Prime Minister Hun Sen on 5 July 1997, as well as a statement issued on 15 July 1997 by members of Parliament of the Kingdom of Cambodia (annex II).

I would be deeply grateful if you would kindly circulate the text of the present letter and its annexes as an official document of the General Assembly, under agenda items 109 and 110, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary
and Plenipotentiary,
Permanent Representative

ANNEX I

Declaration issued on 16 July 1997 by Mr. Son Soubert, Second Vice-President and member of the Permanent Committee of the National Assembly of Cambodia

Noting that Mr. Hun Sen led a barbaric and undemocratic coup d'état in order to assume power by force on 5 and 6 July 1997,

Considering that the Constitution of the Kingdom of Cambodia, in its article 100, stipulates that:

"On the proposal of the President of the National Assembly and with the agreement of both Vice-Presidents of the National Assembly, the King appoints a high-ranking personality among the members of the National Assembly (Parliament) from the political party that wins the election, in order to form the Government",

Considering articles 7 to 10 and 19 of the rules of procedure of the National Assembly,

In my capacity as Second Vice-President and as a member of the Permanent Committee of the National Assembly, I wish to declare that:

1. No plenary session of the National Assembly may be legally convened without the adoption of the agenda of the session by the 12 members of the Permanent Committee beforehand (article 19). But today five members of the Permanent Committee have already left the country and the President of the National Assembly, Mr. Samdech Chea Sim, is now Acting Chief of State. Therefore the members of the Permanent Committee who may attend the meeting number only six, i.e., the quorum of the Permanent Committee meeting which requires the presence of at least seven members cannot be met (article 10); no Deputy-Chairman or Secretary of the Committee has the right to decide or to act in place of the Chairman of each of the Committees.

2. The new First Prime Minister cannot be elected at will, because any proposal to appoint a candidate as Prime Minister must be made according to the agreement between the President and the two Vice-Presidents of the National Assembly (article 100 of the Constitution). In the present situation, in my capacity as Second Vice-President of the National Assembly, I cannot agree to the proposal to appoint any new candidate to the premiership, because of the above-mentioned irregularities and illegality.

(Signed) SON Soubert
Vice-President and member of
the Permanent Committee of
the National Assembly

ANNEX II

Statement issued on 15 July 1997 by members of Parliament
of the Kingdom of Cambodia

We, the members of Parliament of the Kingdom of Cambodia, strongly condemn the violent coup d'état organized by a former member of the Khmer Rouge, Mr. Hun Sen, on 5 and 6 July 1997.

The coup d'état has created an atmosphere of fear and intimidation, and many of us can no longer stay in Cambodia (more than 20 members of Parliament, including a Second Deputy Chairperson of the National Assembly and 5 Permanent Committee members have already left the country) and have no choice but to escape the horrible acts committed by the leader of the coup.

We, the members of Parliament, wish to make the following recommendations:

- To restore peace to Cambodia, the Paris Conference should be reconvened in order to implement once again the provisions of the Paris Peace Accords, in particular the cantonment and disarmament of all armed forces;
- Not to recognize the Government installed by Hun Sen after the coup or the decisions made by an illegal and intimidated Parliament;
- To set up an international tribunal as soon as possible, in order to try and punish those who have committed genocide or crimes against humanity in Cambodia;
- To put pressure on Hun Sen and his forces to stop intimidating people and to create safe havens for those who are fleeing the danger zones;
- To protect all the people, especially the opposition parties and their supporters, from the arrests and executions being committed by the troops of Hun Sen;
- To impose economic sanctions upon and cut off all aid to Cambodia until democracy and respect for human rights are restored in Cambodia;
- To urge the United Nations Educational, Scientific and Cultural Organization (UNESCO) to protect the Angkor temples and to declare the area a security zone free of all military action.

(Signed) SON Soubert
Second
Vice-President
of the
National Assembly

(Signed) KEM Sokha, M.P.
Chairman,
Committee on
Human Rights
of the
National Assembly

(Signed) POL Ham
M.P. for
Kampong Thom

(Signed) SON Chhay
M.P. for
Siem Reap



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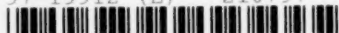
SECURITY COUNCIL
Fifty-second year

Letter dated 15 July 1997 from the Permanent Representative
of Luxembourg to the United Nations addressed to the
Secretary-General

I have the honour to draw your attention to the statement issued on 10 July 1997 by the Presidency of the European Union concerning the situation in Republika Srpska in Bosnia and Herzegovina (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 56, and of the Security Council.

(Signed) Jean-Louis WOLZFELD
Permanent Representative of
Luxembourg to the United Nations



ANNEX

Statement issued on 10 July 1997 by the Presidency of the European Union on the situation in Republika Srpska in Bosnia and Herzegovina

The European Union (EU) continues to be profoundly concerned by the crisis in Republika Srpska. It is characterized by machinations in outright opposition to the development of a normal democratic life and by unacceptable measures of intimidation and harassment. It is impeding the continuation of the implementation of the peace process in Bosnia and Herzegovina. It is therefore imperative for the international community to react to this situation.

The European Union reaffirms its full support for the efforts of the High Representative.

The European Union stresses the need to achieve a rapid solution to the political deadlock and to ensure respect for the office of the President of Republika Srpska, whose decision to dissolve the Republika Srpska Parliamentary Assembly was held to be in accordance with the Constitution by EU. The Union calls upon all parties to work towards a political solution in a peaceful manner and through dialogue.

EU calls upon the police to stop their measures of intimidation. Moreover, it is essential that all provisions dealing with the police, particularly the need to reorganize, reform and certify the police forces, be adopted. The approach of the International Police Task Force (IPTF) with regard to checkpoints should be continued. There should be full cooperation with the Deputy High Representative for Brčko and with IPTF.

The European Union expects the media in the Republika Srpska to contribute towards reducing the crisis. It is imperative that they comply with their duty of objectivity, contrary to what has been the case up to now, and provide public opinion with an account of events taken as a whole and without distortions likely to favour certain currents of opinion.

The authorities of the Federal Republic of Yugoslavia, as co-signatories to the peace agreements, must also face up to their responsibilities and act with a view to achieving a political, democratic and peaceful solution to the crisis which the Republika Srpska is currently undergoing.

The European Union asks the parties once again to comply fully with the undertakings entered into at Dayton and in particular their obligation to hand over to the International Tribunal for the former Yugoslavia those persons indicted for war crimes. In this regard, it considers the action undertaken by the Stabilization Force (SFOR) in Prijedor to be perfectly legitimate. It is unacceptable that an influential figure indicted for war crimes by the International Tribunal has failed to keep out of the political debate in the Republika Srpska, in breach of the undertakings made on 18 July 1996. As a person indicted by the International Tribunal, Mr. Karadžić's place is in The Hague.

The European Union recalls that a stable Republika Srpska, which cooperates in the implementation of the peace process, will benefit substantially from the material aid which EU is making available for the reconstruction and rehabilitation of Bosnia and Herzegovina.



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PATTERN OF CONFERENCES

United Nations publications: enhancing cost-effectiveness
in implementing legislative mandates

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Joint Inspection Unit entitled "United Nations publications: enhancing cost-effectiveness in implementing legislative mandates" (JIU/REP/97/2).



UNITED NATIONS PUBLICATIONS

**ENHANCING COST-EFFECTIVENESS
IN IMPLEMENTING LEGISLATIVE MANDATES**

Prepared by

**Fatih Bouayad-Agha
Sumihiro Kuyama
Wolfgang Münch**



**Geneva
1997**

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Acronyms

ACABQ	Advisory Committee on Administrative and Budgetary Questions
DAM	Department of Administration and Management
DDSMS	Department for Development Support and Management Services
DESIPA	Department for Economic and Social Information and Policy Analysis
DHA	Department of Humanitarian Affairs
DPA	Department of Political Affairs
DSCSD	Department for Policy Coordination and Sustainable Development
DPI	Department of Public Information
DPKO	Department of Peace-keeping Operations
ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organization of the United Nations
GPO	United States Government Printing Office
IAEA	International Atomic Energy Agency
IAMLADP	Inter-Agency Meeting on Language Arrangements, Documentation and Publications
ICAO	International Civil Aviation Organization
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
ITU	International Telecommunication Union
OCSS	Office of Conference and Support Services
OECD	Organization of Economic Cooperation and Development
OIOS	Office of Internal Oversight Services
OLA	Office of Legal Affairs
UNBIS	United Nations Bibliographic Information System
UNCTAD	United Nations Conference on Trade and Development
UNDCP	United Nations International Drug Control Programme
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UNU	United Nations University
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

EXECUTIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The United Nations has been devoting a significant level of resources to publications (defined here as distinct from parliamentary documents) as one of its activities. The objective of this report is to contribute to the efforts being made to increase the effectiveness and efficiency of United Nations publishing activities through a set of recommendations which, if put into practice, would help enhance the role of United Nations publications in implementing the mandates of intergovernmental bodies, and improve the cost-effectiveness of the publishing activities.

In order to achieve this objective, the Joint Inspection Unit reviewed, in the main, the following aspects of United Nations publishing activities:

- the relevance, usefulness and potential for duplication of existing United Nations publications,
- publications policies and practices, as well as the administrative, managerial and organizational set-up and oversight of the publishing activities of the United Nations Secretariat; and,
- various issues concerning the planning, production and sales/distribution stages of the publishing process.

The major findings and recommendations on each of the above aspects are as follows:

The relevance, usefulness and potential for duplication of existing United Nations publications

Publications are intended to respond to legislative mandates, though most are based on general, rather than on specific mandates, and little if any systematic review has been conducted on the validity of the mandates regardless of how old they are. Utility/readership surveys are conducted in a sporadic, unsystematic manner, and there is almost no review on whether publications are actually meeting their respective objectives. Efforts for identifying duplicate, marginal and/or obsolete publications are minimal (paras. 7-26).

RECOMMENDATION 1: All United Nations substantive legislative bodies should include, in their respective programme of work, an agenda on publications, and based on the substantive inputs by the Secretariat, should proceed with the following objectives (paras. 12-26):

- (1) To review and assess, as a part of the review of the respective work programme, all existing publications programmes in terms of, in particular:
 - relevance to mandates, including a thorough review of the validity of the mandates themselves; and,
 - degree of usefulness for attaining the objectives of the respective mandates, based on a systematic, comprehensive utility survey, as well as post-publication evaluations as required;
- (2) To identify possible duplication among existing publications (within the United Nations, between the UN and organizations inside and outside the United Nations system), as well as marginal and/or obsolete publications;
- (3) To come up with appropriate proposals on the consolidation and/or elimination, including the abandonment of certain publications in favour of other organizations, by taking into account the comparative advantages of each organization, department, agency or fund.

Publications policy and practices

Policy-related problems and issues identified in the past are still valid. A number of relevant papers, including the Secretary-General's report on publications policy (A/C.5/48/10) and administrative instructions on a variety of topics have been issued. The General Assembly, however, has not conducted any in-depth review of the matter for some time (paras. 28-31).

RECOMMENDATION 2: In order to enhance the role that publications play in implementing the mandates of intergovernmental bodies and, concurrently, to improve the cost-effectiveness of its publishing activities, the Secretary-General should submit the most updated report on publications policy to the United Nations General Assembly at its 52nd session. The General Assembly in turn should conduct a detailed assessment of existing publications policies and practices, and may wish to propose any necessary modifications, by taking into account the recommendations presented in this report (paras. 30-31).

Administrative, managerial and organizational set-up and oversight

Under the current structure at the United Nations Secretariat, the various functions performed and the organizational units involved in publishing activities are split between two departments, DPI and OCSS. In other words, no single department/office is in the position to oversee the publishing process in its entirety, and the manuscripts awaiting publication are apparently handed back and forth between the various units of the departments concerned without sufficient coordination and without day-to-day monitoring. Not infrequently, these factors unduly lengthen the publication process. At the same time, the interdepartmental Publications Board, which is supposed to have overall control and oversight responsibility including the supervision of the execution of publications programmes, is not functioning in an effective manner (paras. 32-39).

RECOMMENDATION 3: The Secretary-General should review the current administrative, managerial and organizational structure of publishing activities and introduce necessary reforms at the United Nations Headquarters. These could include the possible consolidation of a number of the existing functions and units into a more centralized structure by taking into account, inter alia, the requirements of (para.39):

- (1) Streamlining and accelerating the publishing process; and,
- (2) A greater integration and coordination between publishing-related functions/units (such as the editing, production, marketing), in addition to a need for better coordination between those units and author departments.

RECOMMENDATION 4: The Secretary-General should strengthen the Publications Board, by reinforcing its mandates (including the mandate indicated in recommendation 6 below), as well as in terms of its working methods and practices, in order to ensure that the Board provides truly effective overall control, oversight and coordination, in addition to policy guidance on publishing activities (para. 39).

Issues at the planning stage of the publishing process

There are a number of issues to be addressed in particular at the planning stage of the publishing process. These issues relate to the criteria for producing publications, the planning and oversight at the departmental as well as at the organizational level, the budgetary treatment of publishing activities, the review process of the proposed publications by the intergovernmental bodies, and the Secretariat's handling of the publishing process at the planning stage (paras 40 -46).

RECOMMENDATION 5: Specific mandates to be provided normally in resolutions/decisions of the intergovernmental bodies, should be the primary criterion for planning new publications, and publications based on general mandates (which do not contain specific requests for publications) should be kept to a minimum (para. 41).

RECOMMENDATION 6: All proposed publications programmes should be screened prior to the preparation of each biennial programme budget, first at the departmental level, and then at the Secretariat level (Publications Board). Of primary consideration should be relevance to mandates, usefulness for implementing mandates and potential for duplication, both within the United Nations and between the UN and elsewhere. The Dag Hammarskjöld Library could prepare a consolidated publications list to facilitate this exercise (para. 42).

RECOMMENDATION 7: With a view to exercising, above all, a better budgetary control of the United Nations publishing activities, the Secretary-General should institute as part of the programme budget a new system whereby, starting with the biennium 2000-2001, each department/office receives a separate but consolidated budgetary line covering publishing activities (para. 43).

RECOMMENDATION 8: As a rule, no publication should be produced under the United Nations regular budget unless the publication in question is contained in the budgetary provision mentioned in recommendation 7 and is approved by the General Assembly within the framework of the programme budget (para. 44).

RECOMMENDATION 9: Decisions by substantive legislative bodies requesting new publication(s), subsequent to those approved in the programme budget, should be taken only after the careful review of, among other things, information on the potential for duplication (or non-duplication) and the financial implications statement to be provided by the Secretariat. Furthermore, these decisions should incorporate, in principle, a time frame (a "sun-set" rule), as well as a clause for review after a certain period of time (paras. 41 and 45).

RECOMMENDATION 10: Once the publication(s) or publications programme(s) is(are) approved by the General Assembly, the entire publishing process (writing, editing, translation, production and sales/distribution) should be planned in a more coordinated and integrated manner (para. 46).

Issues at the production stage of the publishing process

There is evidence that the production stage can be made more efficient through the use of advanced technologies, in particular through electronic publishing. Nonetheless, the need for print publications will remain at least for some time. In this context, the question of a comparative cost-analysis of internal versus external printing is one of the long debated issues, but since a cost-accounting system as the basis for such a comparison has not yet been fully developed, a comparative cost-analysis at present cannot be established in an objective manner. Another matter pertaining to cost-effectiveness at the production stage of the publishing process (which appears to have merit), is the consideration of cooperative arrangements such as joint publishing (paras. 47-67).

RECOMMENDATION 11: As the basis for producing publications in a cost-effective manner as well as the basis for the new budgetary system proposed in recommendation 7, the United Nations Secretariat should develop a cost-accounting system by the end of 1998, in order to enable it to have knowledge of the full cost of publications (i.e., direct and, to the extent possible, indirect costs), in addition to facilitating identification of possible savings potential for any given cost item (paras. 43, 51, 53-54 and 56).

RECOMMENDATION 12: Pending the establishment of a cost-accounting system,

- (1) An annual planning of the printing workload should be made, in order to make maximum and more rational use of existing internal printing capacities by spreading out the workload throughout the year. In this context, the choice of publications with complexity and/or specificity which cannot be handled internally should be minimized (paras. 57-58);
- (2) Current outsourcing practices on publications should be reviewed by the Secretariat from the standpoint of internal control (on vendor selection, contracting process, etc.) and of the management/monitoring of the outsourced activities, including the contractors' performance, in order to ensure an efficient and economical use of resources (para. 59);
- (3) A review should also be conducted by the Secretariat to provide some flexibility to the use of the external printing account for internal printing purposes, as appropriate (para. 58).

RECOMMENDATION 13: Once a cost-accounting system is established, the question of an appropriate mode of printing: internal or external, mix of the two, partial outsourcing, etc. should be reviewed/reconsidered first by the Secretariat and a proposal made to the General Assembly at its 54th session within the context of the programme budget for the biennium 2000-2001, with the aim of making printing activities more cost-effective by duly taking into account the relative advantages and disadvantages of each mode of printing (paras. 53 and 60).

RECOMMENDATION 14: In view of potential as well as proved advantages of the use of advanced technologies, including electronic publishing,

- (1) The increased use of advanced technologies for the publishing process should be enhanced by the Secretariat; this may include "electronic processing" of materials to be published, establishment of a computerized workflow system with desktop publishing capabilities (paras. 48 and 61);

- (2) A general shift towards the various forms of electronic publishing (CD-ROMS, Internet, etc.) should be intensified by the Secretariat, by paying due regard to cost recovery, legal and qualitative aspects, in addition to the need to enhance the capacities of both the Secretariat in terms of producing electronic publications and the developing countries in terms of access to such electronic products (paras. 50 and 61-63).

RECOMMENDATION 15: Cooperative arrangements, in particular joint publications between the United Nations Secretariat and other entities, should be promoted by the Secretariat when feasible, with a view to encouraging a single and consolidated publication on identical or similar subjects (see recommendation 1) (paras. 64-67).

Issues at the sales and distribution stage of the publishing process

Revenue from the sale of publications requires closer monitoring. Currently, the sales income is primarily used to finance a wide range of sales-related expenses including the cost associated with a number of posts. This practice inhibits, among other things, the provision of incentives for more cost-effective publishing activities. Furthermore, it appears that there is a need to strengthen marketing and promotional efforts in a more systematic manner (paras. 68-79).

RECOMMENDATION 16: Sales income reports, indicating total revenues from various sales channels, should be produced and reviewed monthly or at least quarterly by the Secretariat (para. 70).

RECOMMENDATION 17: With a view to using income generated by the sale of publications in a more rational manner, while at the same time providing incentives for more cost-effective publishing activities, the current treatment of sales income should be reviewed by the Secretariat and a proposal made to the General Assembly at its 52nd session, with the aim of giving consideration to a more flexible treatment of sales income as well as to a related creation of a self-supporting publications fund or account (see recommendation 2) (paras. 71-74).

RECOMMENDATION 18: More vigorous and systematic sales promotion should be conducted by the Secretariat with the aim of maximizing financial returns to the United Nations. In this context, the wealth of unique information available within the United Nations could be used for publications subject to mandates, so long as they are deemed to have commercial value (para. 77).

I. INTRODUCTION

1. This report is presented pursuant to the General Assembly resolution 50/206 C of 23 December 1995 in which it is stated that the Assembly: "endorses the recommendation made by the Advisory Committee on Administrative and Budgetary Questions that the Joint Inspection Unit be requested to conduct a comprehensive survey of the role publications play in implementing mandates of intergovernmental bodies and the extent to which recurrent publications could be made more cost-effective in this regard." In preparing this report, the Inspectors have further taken into account resolution 51/211 B of 18 December 1996 in which the General Assembly: "reiterated its request to the JIU and asked that it submit such survey no later than the end of the fifty-first session," as well as a number of JIU reports produced in the past on related subjects.¹

2. Publications constitute one of the important instruments for implementing mandates of intergovernmental bodies. At the same time, publishing activities are consuming a significant amount of resources. In the light of this, the question of making the activities more cost-effective has been a major concern of the Member States and, in particular, of ACABQ.

3. With this background in mind, this report intends to identify problems which exist within publishing activities and to propose measures on how to improve the present situation in the following 3-step manner:

- (i) by presenting an overall picture of existing publications (in particular recurrent publications) in terms of relevance to mandates, utility and duplication (Section A);
- (ii) by reviewing some of the fundamental issues which relate to publications policy as well as to the administrative, managerial and organizational set-up and oversight of publications activities (Section B);
- (iii) by dealing, in more detail, with the issues relating to the cost-effectiveness of each of the three stages of the publications process: planning, production and sales/distribution (Section C).

4. The report focuses on a number of specific issues which exist within the United Nations Secretariat, and therefore does not cover system-wide cost-savings issues or modalities such as joint printing facilities in the major United Nations centres.² Nevertheless, in order to benefit from good practices elsewhere, the entire body of the United Nations system organizations (including the World Bank and the International Monetary Fund) and several organizations outside the United Nations system (such as OECD and the Council of Europe) were approached by way of questionnaires and/or interviews.

5. The recommendations presented in this report accordingly have been prepared by taking into account the prevailing practices and experiences in those organizations in addition to the Inspectors' review and assessment of the situation at the United Nations. Although the recommendations are addressed primarily to the United Nations General Assembly and to the United Nations Secretariat, the Inspectors believe that the gist of the recommendations could also be applied, mutatis mutandis, to a number of organizations within the United Nations system.

6. The Inspectors wish to thank all the organizations both within and outside of the United Nations system, that contributed to this report.

II. HOW TO MAKE PUBLICATIONS MORE COST-EFFECTIVE IN IMPLEMENTING LEGISLATIVE MANDATES

A. REVIEW OF EXISTING PUBLICATIONS

7. The Inspectors believe that a review of existing publications is clearly the first step to be undertaken in response to the General Assembly's request in its resolution 50/206 C.

8. To facilitate this exercise, an extensive questionnaire on existing publications, or more specifically, on the publications programme for the biennium 1996-97 was sent out to departments at Headquarters as well as to offices away from Headquarters, including Regional Commissions.

9. Before presenting a summary of findings, however, the Inspectors wish to make reference to one pertinent matter; namely, the level of budgetary appropriations finally approved in late December 1995 by the United Nations General Assembly for 1996-97 involved mandatory cost reductions of \$154 million, in addition to the \$98 million which had already been included in the Secretary General's programme budget submission.³ In response to this budgetary reduction, and within the context of the related efficiency reviews, an intensive organization-wide exercise was conducted in early 1996, and as a result of this exercise, a number of measures relevant to the publications programme had either already been taken or eventually proposed to be taken by the departments and offices under review before the JIU approached them with the questionnaires pertinent to the present report.

10. These measures included termination, curtailment and deferral of a number of publications which constituted a part of the originally proposed programme budget for the biennium 1996-97. In the Inspectors' opinion, this seems to imply two things: first of all, that certain publications in various departments and offices appear to be non-essential or of low priority in their work programmes, in particular under the imposition of stringent financial constraints; and secondly, that the publications programme, at least in the departments and offices concerned, has been reviewed or screened with the aim of streamlining the programme.

11. With this background in mind, the Inspectors' findings⁴ on existing publications focussing on recurrent publications (as authorized

for the biennium 1996-97) are summarized in A.1, A.2 and A.3 below:

A.1 Relevance to Mandates and Related Matters

12. Most publications are intended to respond in some way to the mandates of legislative bodies. But there are also a number of publications that are being produced on the initiative of the Secretariat for instance, at ESCWA, where 4 out of 17 of their recurrent publications are being produced on the Secretariat's initiative, according to a report received from the Commission; and at ECA, where many of the non-recurrent publications which are based on the Secretariat's initiative, are included in its publications programme for 1996-97.

13. In many instances, however, publications that are allegedly supported by mandates are based on general mandates, rather than specific ones. The position of the United Nations Secretariat on this matter has been the following:

*"Under the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation, which were approved by the General Assembly in its resolutions 37/234 and 38/227, legislative mandates for publications are provided by requests and directives to the Secretary-General contained in resolutions and decisions of the United Nations intergovernmental bodies; the specificity of such mandates varies among programmes, depending upon the working methods of the legislative bodies concerned, and may in some cases consist of legislation establishing an organizational unit or providing a general mandate for its work. In addition, under the provisions of programme planning rule 103.2, the adoption of the medium-term plan provides a legislative mandate to new activities proposed by the Secretary-General in fulfilment of a general objective of the Organization."*⁵

14. The Inspectors have detected also that hardly any serious and systematic consideration has ever been given to the question of the validity of the respective mandates themselves even if the mandates are, in some instances, quite old. Under the programme planning regulations and rules, legislative mandates are supposed to be subject to review every five years.⁶

A.2 Utility and Readership

15. Utility and readership surveys or reviews are considered the next step necessary when justifying publications. In reality, however, the Secretariat in general seems to be content with the receipt of the formal and/or informal remarks (in other words, compliments) provided by Member States/experts at various meetings, etc., and these surveys or reviews are conducted on only a limited number of publications. Not surprisingly, a comprehensive and systematic review is rarely undertaken for a variety of reasons, including, *inter alia*: lack of staff (UNDCP); lack of adequate financial resources and specialized expertise in addition to the need for a specific mandate for formal surveys (DPA); time consumption (instead of sending out questionnaires, other indicators such as sales figures, statements at the General Assembly and/or comments from users could be used) (OLA); as well as an argument that "conducting surveys would result in duplication, since publications are mandated by intergovernmental bodies" (DDSMS). In contrast to these, UNCTAD has been distributing readership questionnaires at all intergovernmental meetings, since 1995, replacing its past practice of including questionnaires in its publications. The same questionnaire has also become available on the UNCTAD home page on the World Wide Web as of April 1996. Despite these efforts, however, the feedback through these processes remains somewhat disappointing according to UNCTAD.

16. In connection with the above, the Inspectors wish to add that the outcome of surveys or reviews depends on a number of factors, not the least of which is the intended readership: i.e., is the survey designed to target the appropriate persons/groups? Compliments and other positive feedback received either through such surveys or various fora will not mean much unless the publications in question are actually meeting their respective objectives with their intended readers in an effective manner. According to a readership survey put out by DPI for example, the *Africa Recovery* publication received highly complimentary responses⁷, but according to a recent JIU report⁸, once its actual news coverage, circulation and periodicity were considered, this publication may not necessarily prove to be the most cost-effective in meeting its main objective of promoting a global awareness of Africa's severe economic difficulties.

17. Furthermore, it appears also that no serious review has ever been conducted from the perspective that publications can be considered as only one of several means available (in addition to advisory services, training, reports to legislative bodies, substantive servicing, etc.) for carrying out legislative mandates. The Inspectors believe that, unless specifically requested by the intergovernmental bodies, the 'publications option' should be chosen only when this is considered the most effective tool available to complement, and not to duplicate, other means.⁹

A.3 Duplication and Related Matters

18. The Inspectors found that efforts made to identify publications which are duplicated, marginal and/or obsolete are minimal. In fact, apart from a number of publications which had either been terminated or deferred (as was the case of ECA¹⁰) within the context of the organization-wide exercise to meet the budgetary reductions (see para. 9), only three examples were evident in the responses to the recent JIU questionnaire; all of these pertained to the duplication of publications within their own departments: (i) the discontinuation of *Disarmament Study Series*, which were "basically reprints of various study reports" (DPA), (ii) the termination of *Register of Texts of Conventions and other Instruments, Vol. III* as "texts to be published in the register are increasingly available through other sources" (OLA); and (iii) the non-issuance of *Annual Update on African Debt* during the biennium 1996-97, as "it would have constituted a duplication" with another publication, *Comprehensive Overview of Africa* which is to be published in 1997.¹¹

19. Besides the duplication of publications within the same department as mentioned above, duplication can and does exist in a variety of cases, including:

- (i) whereby different departments, offices, agencies and organizations elsewhere (both within and outside the United Nations system) are producing publications with either identical or very similar titles and/or subjects (though the focus may sometimes differ);
- (ii) whereby an identical publication on a specific theme is repeatedly produced simply in a different format or under different cover with a different symbol¹²; and,

- (iii) whereby a United Nations Headquarters-produced publication which is comprehensive and global in nature on some specific topic/issue appears to be eventually broken down into geographical regions and separate publications are issued, focussing on the respective region. A typical example would be the publications relating to economic and social survey; i.e., in addition to *World Economic and Social Survey* produced annually by the United Nations Headquarters, publications with eventually identical titles (whose main differences could be their regional focus) are being produced on a recurrent basis by all Regional Commissions¹³, except ECE.

20. There are at least two identifiable factors behind these duplications: decentralized and uncoordinated decision-making processes and an uncoordinated and incoherent programme formulation.

21. It is the view of the Inspectors that one of the basic first steps to avoid duplication (such as the one described in case i above) is to make a comprehensive review of the work programmes of the departments and offices within the United Nations in order to identify:

- (i) any possible duplication and overlap which exists in the work programmes themselves which may be leading/lead to possible duplications among the respective publications programme; and/or
- (ii) any programmes or activities which could be merged with those of other departments or offices which may eventually facilitate the streamlining of some publication programmes.¹⁴

22. Once this exercise is completed, the next step should be the identification of actual duplicate publications, not only within the United Nations but also between the United Nations and elsewhere, both inside and outside the United Nations system. The Dag Hammarskjöld Library at the United Nations Headquarters could assist in this task, but the Inspectors have learned that, unless the entire United Nations system of organizations is effectively linked with compatible hardware and software so that a single, fully-integrated database is created (a need which has already been identified in a previous JIU report¹⁵), the task of

identifying duplicate publications is time-consuming and cannot be considered comprehensive.

23. The consolidation and/or abandonment of some publications in favour of other organizations further constitutes an effective means of dealing with the problem of duplication. One example of this type of solution is found in the merging of the DPI's publication *Development Business* with the World Bank's competing *International Business Opportunities Services* (IBOS), which not only eliminated a duplicate publication within the United Nations system, but it also boosted revenue through its take-over of IBOS subscriptions. This increased income will finance the development of a new electronic offshoot of *Development Business* which is expected to be on-line in 1997 and to generate revenue.¹⁶ Another good example can be found in ECE, which has discontinued four of its statistical publications on energy in favour of those produced by IAEA. ECE has also introduced a practice by which the work of some ECE Divisions (including that of publications) is planned in a coordinated manner with similar work underway in other organizations, such as OECD.

24. In this context, the Inspectors wish to refer to the policy statement made in the report¹⁷ of the Secretary-General that "whenever appropriate, encouragement should be given to the publication of interdisciplinary works, prepared through cooperation among several departments or offices, including cooperation among several organizations in the United Nations system." The Inspectors are aware that author departments or offices occasionally receive mandates of an interdisciplinary nature in issues such as environment, poverty alleviation, women, etc. which tend to induce a number of publications which reflect the different perspectives of the respective author departments. These publications could not be regarded as duplication per se. However, the Inspectors wish to endorse the above-referenced policy statement from the point of view of cost-effectiveness. For example, various publications on the question of women could be consolidated into a single comprehensive volume, discontinuing the present practice whereby similar publications on women are being produced separately by many departments, offices or organizations, with each one focussing on a single specific issue.

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25. In the light of the finding on existing publications as mentioned in A.1, A.2 and A.3 above, the Inspectors consider that it is now high time to make a comprehensive review of all existing publications following a so-called "zero-based approach".¹⁸ In other words, instead of just continuing existing publications programmes and/or building up existing publications programmes with new publications, all existing publications should be thoroughly reviewed and assessed as the first step, whether they are truly justified and meaningful in terms, in particular, of both relevance to mandates (including review of mandates themselves) and actual utility, by taking into account the need to ensure not only a fulfilment of mandated objectives in a true sense, but also an effective complementarity of publications to other means in implementing mandates. The question of avoiding duplication with similar publications produced by other departments, offices and organization, both inside and outside the United Nations system, as well as the question of identifying marginal and/or obsolete publications¹⁹ should constitute an integral part of such an exercise.

26. In this context, it is the conviction of the Inspectors that legislative bodies (with the substantive support of the Secretariat) should play a much more active and systematic role in the review and rationalization of the publications programmes. Among many legislative bodies, the Statistical Commission, the Commission on Population and Development and the Committee on Information could be considered relatively well-functioning legislative bodies. The Inspectors believe, however, that the working methods of all substantive legislative bodies, including the Committee for Programme and Coordination (CPC) (which has the primary responsibility in the conduct of such exercises), need to be strengthened along the lines indicated in Recommendations 1 and 8, initially in relation to the review of existing publications.²⁰

(→ **recommendations 1 and 9**)

B. FUNDAMENTAL ISSUES RELATING TO PUBLICATIONS POLICY, ADMINISTRATIVE/MANAGERIAL/ ORGANIZATIONAL SET-UP AND OVERSIGHT

27. This section deals with a few fundamental issues or preconditions which should be taken into consideration when attempting to make the United Nations publishing process and activities more cost-effective.

B.1 Publications Policies and Practices

28. The United Nations General Assembly, in its resolution 46/185 B(1991) entitled "Publications policy" and in its subsequent resolution 47/73 B (1992) and others, pointed out a number of problems and issues relating to the overall publications policies and practices, including an unclear distinction between publications requested by intergovernmental bodies and those produced by Secretariat initiative, uneven quality and relevance of publications, a need to review all existing publications, as well as a need to avoid duplication of other publications both within and outside of the United Nations system.

29. Meanwhile, in accordance with the request of the General Assembly, a review of the publications policy was conducted at the United Nations Secretariat under the direction of the Publications Board, and in 1993, the Secretary-General submitted a report (Publications policy of the United Nations, A/C.5/48/10) to the General Assembly. At the same time, the Publications Board has recently been issuing internally a number of relevant administrative instructions in the ST/AI/189 series on a variety of relevant topics. However, in the last few sessions, the General Assembly has not taken up the Secretary-General's report including its updated version.

30. As seen in section A, a number of problems and issues identified in paragraph 28 above are still very much valid, and at this juncture, the cost-effectiveness of publishing activities could certainly be enhanced if the United Nations established a publications policy which is solid, coherent, and innovative in nature. In doing so, the electronic environment in particular should be taken into account, as all phases of the publishing process (research, writing, production and dissemination) can be executed through that medium.

31. The Inspectors therefore believe that the General Assembly should now make a critical assessment of the publications policies and practices currently in place in a comprehensive manner. This assessment should include the possible identification of contradictions among the various administrative instructions, with a view to facilitating the preparation of coherent administrative rules and procedures (in the form of a manual) in order to effectively implement publications policies.²¹

(→ recommendation 2)

B.2 Administrative, Managerial and Organizational Set-up and Oversight

32. As a result of restructuring in 1993²² as well as the subsequent measures taken at the Secretariat in 1995 and 1996, publishing activities are split between DPI and OCSS, apart from manuscript preparation, which is done by the respective author departments. Namely, under the current set-up of the Secretariat, the organizational units responsible for editorial, design, external publishing, production and coordination, sales and marketing, etc. are located in DPI, whereas the units responsible for editorial and translation (including contractual translations), copy-preparation and proof-reading, documents control, records, procurement and transportation, reproduction (relating to internal printing), commodity procurement (relating to external printing), and distribution are a part of OCSS.²³

33. Consequently, although there exists a mechanism of a weekly production coordination meeting organized by the documents control section (OCSS) with the participation of the relevant sections of DPI and OCSS, no single department or office is in a position to oversee or monitor the publications process in its entirety on a daily basis. In fact, DPI is supposed to be responsible for the overall planning and implementation of the publications programme²⁴ through its production and coordination section. In reality, however, it has proved impossible for it to do so (e.g., the production and coordination section staff are not allowed to contact external printers directly, as external printing is officially the responsibility of OCSS).

34. In addition, due to the organizational structure outlined above (para. 32), the materials to be produced are apparently handed back and forth

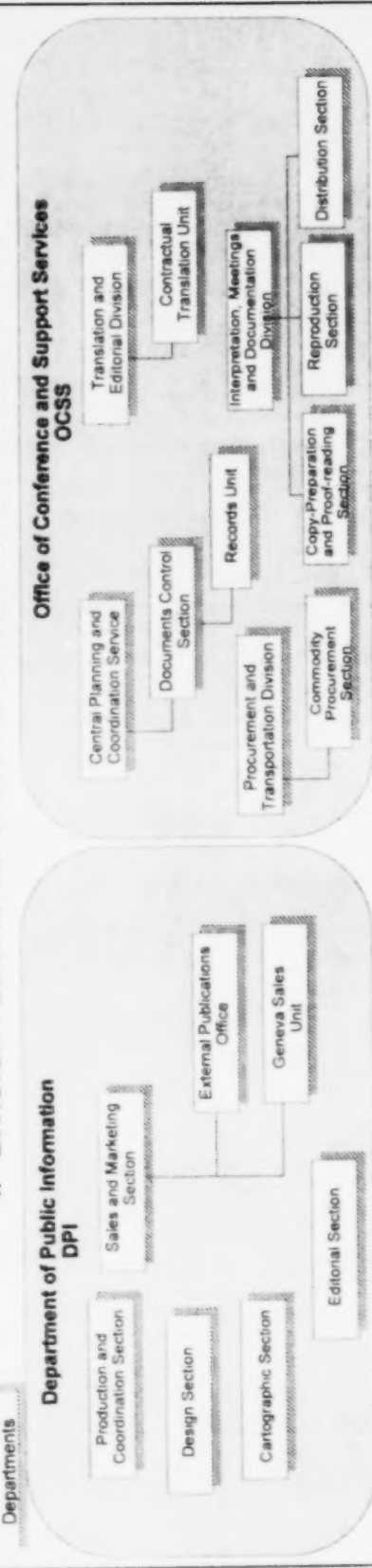
between various sections/divisions in DPI and OCSS, throughout the entire publications process (see Chart 1 for the general publication process). Not infrequently, these factors unduly lengthen the publication process. For example, in the case of the *Treaty Series*, until very recently, once the legally reviewed and proof-read manuscript (of compiled documents) left the Treaty section (OLA), it had to go through as many as 27 separate stages (see Chart 2) before it was published, and not surprisingly, a total of 185 Treaty Series manuscripts submitted to the copy-preparation and proof-reading section between 1986 and mid-1996 were awaiting publication as of mid-1996 (see para. 48).²⁵

35. In theory, it is the interdepartmental Publications Board, established by the Secretary-General in accordance with the Financial Regulations and Rules²⁶, that has overall responsibility for the publications programme, and this includes the supervision of its execution, in addition to the other functions relating to policies, planning and coordination. In reality, however, the role of the Publications Board is limited, because the Board which is composed of the Heads of departments and offices meets at best twice a year²⁷ under the chairmanship of the Assistant Secretary-General of DPI and is not able to perform its functions with the amount of attention to detail required. Accordingly, the Board, in practice, delegates its functions to a working committee at Headquarters (as well as working groups at Geneva and Vienna), but even the committee meets usually once a month only. Within this somewhat rather limited time-frame, the committee takes up, in an ad hoc manner, a wide range of policy, in addition to operational matters (including, for instance, reviews of "negotiated agreements with external publishers" presented by the External Publications Office/DPI) for approval by the Board. Yet the committee²⁸ is apparently not in a position to be involved in the day-to-day operation of the publishing activities.

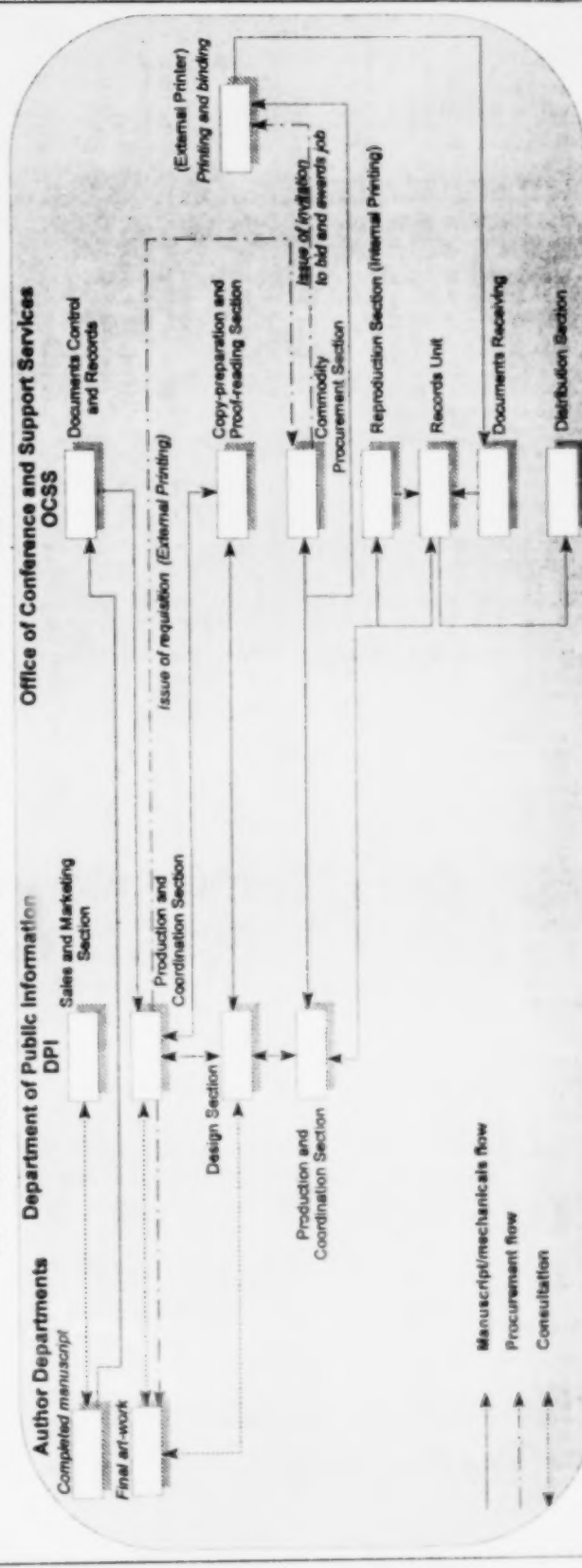
36. As is clear from the above paragraphs 32-35, the administrative, managerial and organizational set-up in place at the Secretariat has weaknesses, including a vacuum in terms of efficient day-to-day management and monitoring of publishing activities, in addition to an eventual lack of strong and continuous overall oversight, control and coordination mechanism at the organizational level.

CHART 1

I. DIVISION / SECTIONS / UNITS INVOLVED IN PUBLISHING

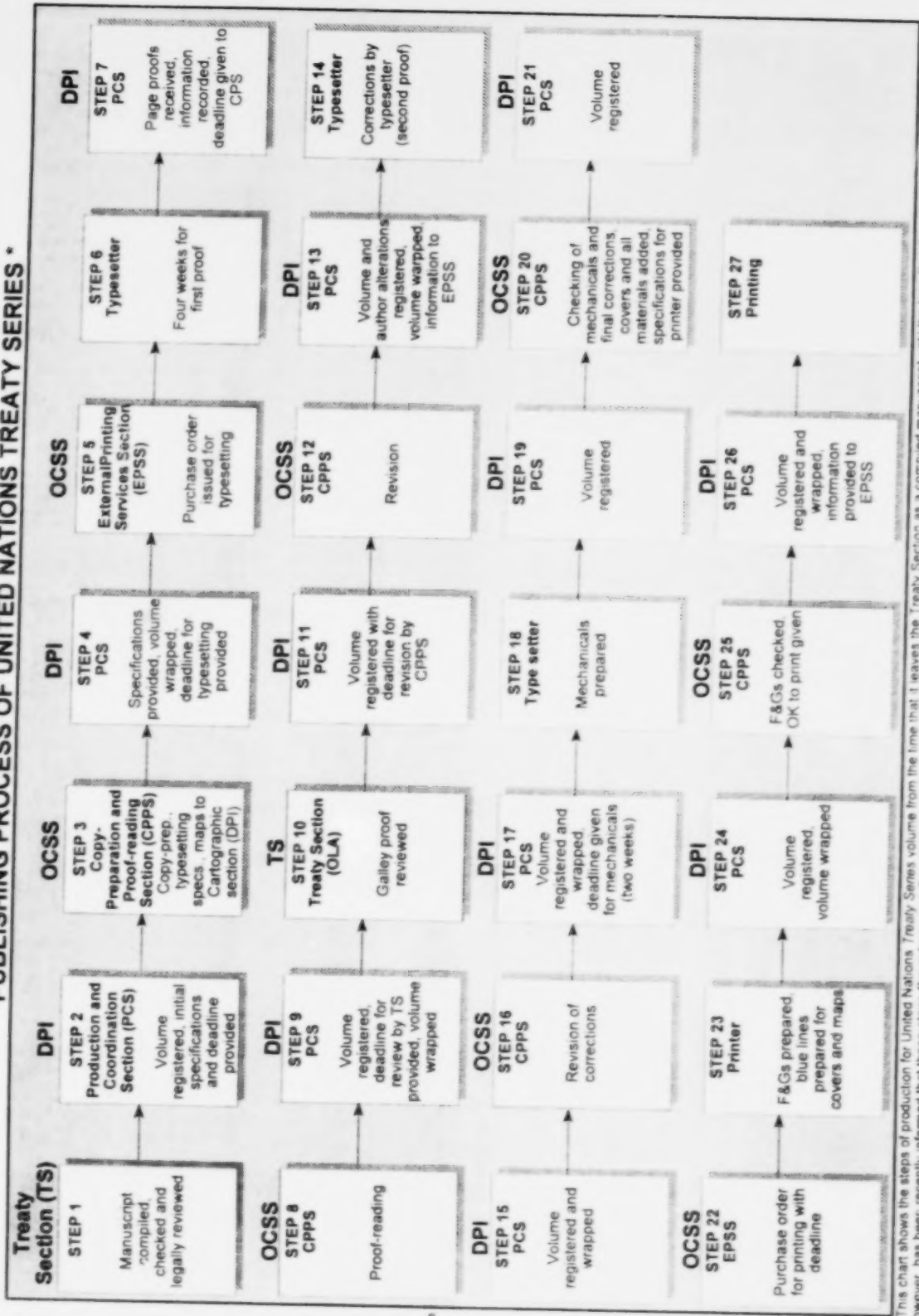


II. PRODUCTION FLOW CHART FOR PUBLICATIONS (MAIN STEPS) *



* This chart shows the steps of production for United Nations publications in general from the time that they leave the author departments as a completed manuscript until the time they are published. Some publications may require more steps than those presented here e.g. external typesetting, or involve other sections, e.g. Cartographic Section (DPI) for maps (see Treaty Series case in chart 2). Source: JIU, prepared on the basis of information provided by the Department of Public Information (DPI).

CHART 2
PUBLISHING PROCESS OF UNITED NATIONS TREATY SERIES *



* This chart shows the steps of production for United Nations Treaty Series volume from the time that it leaves the Treaty Section as a compiled manuscript until the time that the volume is published. The JIU, however, has been recently informed that these steps have been significantly reduced.
Source: Office of Legal Affairs of the United Nations

37. The situation outside the United Nations on this issue varies depending on the agencies; WHO, for instance, appears to be one of the most centralized²⁹ organization in terms of structure, where eventually all publishing-related activities (including editing, translation, design, contractual printing, distribution, sales and promotion) are placed in a single department (Division of Publishing, Language and Library Services, PLL). UNESCO also has maintained a relatively strong Publishing Office (UPO) for some time, the work of which begins once the manuscripts are completed by the author departments, and its functions include the management of a Publications Fund as well as the promotion and distribution of most of UNESCO magazines, in addition to the coordination of UNESCO's overall publishing activities. In terms of the degree of centralization, next to WHO and UNESCO perhaps comes ILO, where a large department which dealt with documents as well as publications used to exist, but on 1 January 1996, a small office called Publications Bureau was established to separate publishing activities from documents production. This new office is not the central office covering all ILO publications, but it does cover a substantial part of publications, including the major ILO periodical. In contrast to the situations at WHO, UNESCO and ILO, FAO, for example, dismantled its Publications Division in August 1996, and all of its publications-related functions have been dispersed to various divisions.

38. A centrally administered structure (such as the one in place at WHO)³⁰ should be able to facilitate, for instance, a rational priority-setting, say, in respect of editing by avoiding undue pressures from author departments, but the Inspectors were told that the ongoing reduction in the number of staff is negatively affecting the centralized structure of WHO. In the case of ILO, the internal restructuring described above has not only consolidated publishing activities (such as editing, production and marketing) and related administrative and managerial functions (including preparation of budget, cost, etc.) into one place (Publications Bureau), but also resulted in preliminary administrative savings on publications activities in the amount of \$1.67 million, mainly as a result of the reduction in the staff costs (elimination of a number of top administrative posts and secretariat posts, as well as transfer to other departments etc). In addition, this new arrangement has made a "greater integration between editorial, production and marketing functions in the planning stages of publications"

possible, resulting in an 'increased capacity to move quickly with time-sensitive books, [as well as] a doubling of [projected] revenues between 1996 and 1999.'³¹

39. In the light of the prevailing situation at the United Nations Secretariat, and by taking into account experiences in some of the United Nations agencies as mentioned above, the Inspectors believe that there is, first of all, a need for streamlining the publishing process (especially its administrative, managerial and organizational set-up) in order to make the entire operation more efficient and cost-effective. In this context, the establishment, without additional financial implications, of a small central unit by consolidating, as appropriate, a number of existing publishing-related functions/units scattered over the various places could be an option, and this option could be linked to the Secretary-General's recently announced reform plan on DAM (including OCSS) and DPI.³² The Inspectors also believe that the United Nations requires an effective mechanism, at the organizational level, for control and oversight, coordination as well as policy guidance. The existing Publications Board could be utilized for this purpose, but in order to be effective, the Board should be strengthened in terms of its mandates and, in terms of its working methods and practice, possibly with an enhanced role of the Executive Secretary of the Board.

(→ recommendations 3 and 4)

C. ENHANCEMENT OF THE COST-EFFECTIVENESS AT MAIN STAGES

C.1 Planning stage

40. The planning stage is the most important of all stages because it is where many problems can be prevented or "cut at the root". As is apparent from the review in Section A and B, there are a number of problems to be addressed, in particular at the planning stage, as a shared responsibility between the Secretariat and legislative bodies. The following are some of the main issues:

C.1.1 Criteria for Producing Publications

41. As has been seen already, most publications are planned at the Secretariat on the basis of legislative mandates, but mostly they are based on general mandates, and almost no serious

review has been conducted on the validity of mandates already many years old. The Inspectors believe that this situation should be remedied by introducing a more rigid set of rules and practices. For instance, regarding the validity of mandates, the Inspectors consider that the so called "sun-set" rule should be applied to all publications; in other words, that all future mandates on publications should contain a specific time-frame as well as a review clause, and that publications of unproven value should be terminated after a certain period of time.

C.1.2 Review and Oversight of the Proposed Publications at the Secretariat

42. Author departments should take the primary responsibility for planning publications with due regard to questions such as duplication, relevance to mandates, in view of their familiarity with the contents. A few departments have some oversight mechanisms. For example, in June 1996, DHA established an Internal Publications Board with the aim of providing departmental oversight with respect to the totality of DHA publications. However, not all departments have such mechanisms in place.³³ At the organizational level, the Publications Board is supposed to play an overall and comprehensive oversight role on all the publications programme proposed by author departments, but the Inspectors have detected that not enough attention is being paid to questions such as the relevance to mandates, usefulness/significance and duplication through the Publication Board's review process. In this context, the Inspectors consider it useful if, as the basis of review by the Board, a consolidated list of the proposed publications (say, with a one page summary of each publication) is prepared, with an assistance of the Dag Hammarskjold Library. The Inspectors wish to underline a good practice of UNICEF in this regard. At UNICEF, a Publications Review Committee was set up recently to review proposals for all publications emanating from Headquarters. According to the terms of reference, "the Committee shall approve a proposal, after due consideration of the purpose and objective of the proposed publication, the intended audience and the rationale in choosing the proposed publication, potential duplication with existing UNICEF publications, the editorial and production schedule, translation requirements, and the budget, especially in term of cost-effectiveness." Furthermore, "the proposals shall be submitted (in a prescribed form) by 1 December of the year preceding the commencement of work on the

publication so that adequate staff, funding and time can be reserved in annual work plans."

C.1.3 Budgetary provision on publishing activities

43. The Inspectors have detected that the United Nations has a number of separate budgetary provisions on publishing activities such as external printing account, "publishing services" (under section 26E)³⁴, etc. but the organization does not have a 'consolidated' budget line on publishing activities (corresponding to the full cost of publications which could be identified through a cost-accounting system referred to in section C.2.1). Because of this, it is almost impossible or at least very difficult not only to figure out, in a precise manner, the level of resources devoted to publishing activities, but also to exercise a budgetary control of such activities. In the view of the Inspectors, the United Nations should have a new budgetary system whereby the consolidated budgetary provision on publishing activities should be made at each department within the framework of the programme budget.

44. Furthermore, the Inspectors also consider that all publications³⁵, including the *Blue Books series*³⁶ which have been planned without a specific budgetary provision, should be handled procedurally in the same manner.

C.1.4 Reviewing Procedure of the Proposed Publications by Intergovernmental Bodies

45. The review, by the intergovernmental bodies, of the newly proposed publications programme, let alone existing programme, contained in the programme budget is rather superfluous. Furthermore, it has been a usual practice that decisions on requesting additional publications (subsequent to the approval of a programme budget) by substantive (as distinct from administrative and financial) legislative bodies have been taken generally without considering financial implications (which are submitted normally to the Fifth Committee of the General Assembly in the case of the United Nations), information on duplication, and without a time frame.

C.1.5 Planning of the Approved Publications' Processing at the Secretariat

46. Upon receipt of an approval of a publication programme, there appears to be an insufficient coordinated planning, at the Secretariat, of its entire processing; i.e., writing, editing, translation, production and sales/distribution. This is due mainly to the present administrative, managerial and organizational set-up as described in section B, and according to the Inspectors, this situation should be remedied within the context of the reform exercise.

(→ recommendations 5 to 10)

C.2 Production stage

47. The current administrative, managerial and organizational set-up as well as the state of oversight is making the production process far from ideal in terms of coordination, control and monitoring, in particular, of work flow, which is the potential cause for delays.

48. In the meantime, there is evidence that the production stage can be substantially more efficient through the use of advanced technologies. For instance, an increasing use of desktop publishing has already been streamlining many steps in the type-setting process. In addition to OCSS and DPI, many author departments now prepare camera-ready copy using desktop publishing and other software which has cut both production time and costs. OLA (Treaty Section) has reported to the Inspectors that the implementation of an integrated workflow system, with desk-top publishing capabilities, would save as much as \$US 300,000 to \$US 400,000 per year, with possible additional savings of some staff costs in the long-run.³⁷ Furthermore, the use of advanced technologies could facilitate the retrieval of information, and this in turn would permit more informed decision-making. With the use of an adequate information retrieving software system, overestimated print runs could be recorded and modifications could be made accordingly to avoid the problems of storage, and thus minimize costs.

49. In the absence of a 'printing on-demand' capacity (i.e., the capacity to produce at any given moment, only those copies needed on short notice, with the electronic version stored for later use), the capacity to retrieve necessary information when required is a useful alternative. Record-keeping of

day-to-day operations could also be made with the use of advanced technologies. For instance, existing software could be used to track manuscripts, aid in prioritizing work, estimate the completion date/time of the jobs, and provide status reports for material in-process.³⁸

50. Against a background of these technological advances especially in the electronic field, "electronic publishing" has made its debut as a promising publishing modality. However, the need for traditionally printed publications (books) will not disappear, at least for the time being, for a number of reasons, not the least of which is the general lack of accessibility in developing countries to the electronic publishing medium.

C.2.1 Print Publication

51. Regarding print publications, the question of internal versus external printing is one of the long debated issues, in particular within ACABQ. In this context, the lack of a cost-accounting system in the United Nations Secretariat has been a basic concern, not only for the Advisory Committee but also for the General Assembly. Accordingly, this report focuses on these matters.

Internal versus external printing and cost-accounting system

52. The Inspectors had been informed that a computer programme capable of estimating the internal printing costs of materials and labour had been recently developed at the United Nations Secretariat. However, upon further inquiry, it was found that this software is able to provide information only on direct printing costs, and is intended solely for specific cases (particular publications).

53. The Inspectors believe that it is difficult to assess the overall cost-effectiveness of a publishing activity (including a comparative cost analysis of internal vs. external printing) without a full knowledge of both the direct (i.e., printing, binding, etc.) and indirect (research, writing, etc.) production costs.

54. The above situation on cost identification is not confined to the Secretariat of the United Nations. In fact, most of the organizations in the United Nations system do not have any system to account for indirect costs. In this situation, the experiences of WHO and UNCTAD are worthy of note. In the case of WHO, a serious attempt was

made to identify the total cost of selected publications, from the initial stage of manuscript preparation, editing, translation, typing, printing, to the final stages of mailing and distribution. Although WHO admits that its calculations are less than perfect (in the sense that, for example, costs of manuscript preparation including research, as well as overhead costs --e.g. office space and heating--, are not covered), this exercise facilitated the identification of potential savings on any given and quantifiable cost item.³⁹

55. In the case of UNCTAD, a number of efforts have been made recently to rationalize its publications programme (pursuant to UNCTAD IX and the Trade and Development Board in October 1996), and in this context, a detailed analysis has since been made on all recurrent publications issued in 1996, including of the work-months (of basically professional staff on drafting and research) required for the production of each publication, and printing costs. In addition, a complete list of publications proposed for the 1998-1999 biennium, with similarly comprehensive data on each publication, has already been made available to the Member States for their review. The Inspectors believe that these are good cases in a right direction.

56. In any event, a thorough knowledge of the total costs involved in each publication, backed up by a cost-accounting system, should be the basis for a more transparent and more cost-conscious management of the entire publishing process, including the decision as to whether internal or external printing facilities should be used.

(→ recommendation 11)

57. Pending the establishment of a cost-accounting system, the position of ACABQ as well as the General Assembly on the question of internal vs. external printing has been that maximum use should be made of internal printing capacities, and that use of external printing services should be controlled so as to ensure that such services are procured in the most economic and efficient manner. Based on this directive, the United Nations Secretariat has actually been making efforts to print internally as much as possible, which, coupled with the increasing use of desk-top publishing, has reduced the resources required for external printing.⁴⁰

58. The Inspectors have found out, however, that the maximum use of internal printing capacities

for publications purposes is not always possible for a number of reasons, including the: (i) uneven distribution of demand on the printing facilities throughout the year; (ii) priority assigned to parliamentary documents; (iii) lack of technology on complex work such as "colour separation" (e.g., some United Nations publications like *World Economic and Social Survey 1996* were obliged to be printed externally, because they required a highly sophisticated colour separation technology);⁴¹ (iv) specific format used for some publications; and, (v) lack of specialized printing paper for certain kinds of publications not easily available in-house. Furthermore, it has also been pointed out that the shift towards the greater utilization of internal printing facilities places a heavy financial burden on the in-house processing services. For example, the rapidly escalating cost of paper is a major problem, as is the increasing reliance on the internal preparation of camera-ready copy which is costly not only in terms of staff time but also in terms of the materials and equipment required.⁴² In this context, the Inspectors have detected that financial rules and regulations for internal and external printing appear somewhat rigid; redeployment of funds from the external printing ('340') to the supply ('500') account is not allowed.

59. External printing, on the other hand, may have advantages, including possible utilization of the latest technologies and expertise as previously mentioned. However it also appears to pose some problems for the United Nations Secretariat that need to be addressed. For instance, the Inspectors were told that the Commodity Procurement Section (OCSS), which is responsible for the outsourcing (external printing) arrangements, does not necessarily have sufficient expertise in printing and consequently, some vendors take advantage of this fact. In other words, external printing requires the maintenance of control and the administration of the entire process, which includes bidding, establishing liaison with printers, preparing invoices, among other things, in order to ensure the efficient and economical use of funds. This would require a considerable amount of extra time and possibly, additional staff.⁴³ The potentially negative impact on staff (in-house jobs) is another problem of outsourcing in general that would require attention.

60. Experiences with regard to the internal and external printing of publications of organizations outside the United Nations have been mixed (see Table 1 in annex). Comparative cost analyses on

internal vs. external printing have also been conducted by some organizations. FAO, for instance, decided to reduce its internal capacity in favour of external services, with an associated estimated savings on staff and equipment of \$US 650,000 a year.⁴⁴ UNESCO, as well as ECLAC and ECE also consider that external printing is less expensive. On the other hand, some other organizations (IMO and OECD, for example) maintain the position that in-house printing is considered more economical.⁴⁵ Among these, the case of ILO Turin Centre is somewhat unique, in that only the labour required in the printing has been outsourced.⁴⁶ In any event, the comparative cost analysis on internal vs. external printing depends obviously on how to calculate costs, as well as on location and other related variables such as the volume to be processed.

(→ recommendations 12 and 13)

C.2.2 Electronic publishing

61. It goes without saying that electronic publishing (diskettes, CD-ROMs, on-line publications etc) has become popular as an alternative to print publications (books). In reality, however, the need for print publications will remain at least for some time, and at the same time, the United Nations Secretariat's capacity to produce electronic publications is somewhat limited at present. Accordingly, the issue of electronic publishing should be approached by bearing in mind its complementarity to print publications, as well as a need to enhance the Secretariat's capacity to meet an increasing demand in electronic publishing. It may be interesting to note that technically, both methods of publication (books and electronic publishing) could be processed in an integral manner. For example, OECD introduced an evolutionary method called "electronic processing" four years ago, in which manuscripts prepared by the author departments are processed in an integral and identical manner up to a certain stage when a print publication separates from an electronic publishing process. In other words, there is no difference between the conventional printing (books) and the electronic publishing processes up to a certain stage of production, which, the Inspectors were told, has been contributing greatly to an effective production of OECD publications.

62. The advantages of electronic publishing are manifold: publications in electronic form can be very effective and economical at the same time. This explains why many United Nations system organizations are placing their publications on the Internet, for example. Other electronic publication alternatives (such as CD-ROMs) are not only cheaper than print publications to manufacture, store and distribute in particular in the case of massive delivery of data/statistics, but are also capable of widening an Organization's outreach and in many cases, even bring financial returns to an Organization.⁴⁷

63. It should be noted, however, that there are a number of legal matters (such as copyright protection, security of data for on-line publications, etc.), in addition to other issues (such as cost recovery and quality control) connected to electronic publishing. Because of the scope of this report, the Inspectors have chosen to refrain from going into detail where these matters are concerned, but do wish to note that the organizations in the United Nations system have already been addressing these issues individually as well as collectively through inter-agency mechanisms, such as IAMLADP. In the case of the United Nations, "Guidelines for publishing in an electronic format" has been issued as an administrative instruction,⁴⁸ and Member States may also wish to take up the guidelines in the context of the overall review of publications policy referred to in Section B.

(→ recommendation 14)

C.2.3 Cooperative arrangements

64. It has been reported to the Inspectors that in many instances, cooperative arrangements at the production stage have helped the organizations to decrease costs and to increase the impact of a publication.⁴⁹

65. There are 2 main types of cooperative arrangements, commonly understood in the United Nations as "external publishing" and "joint publishing."

66. As a general rule, the United Nations publishes its well-established recurrent publications under its own imprint. However, external publishing arrangements in the form of co-publishing (defined as cooperation with an outside publisher - public or private - to produce on behalf

of the United Nations a publication; e.g., *The Yearbook of the United Nations*, published by Kluwer) are considered when it appears likely that such an arrangement will offer advantages to the Organization.⁵⁰ These advantages include: an increase in publicity and sales potentials through a wider channel and network and, a reduction in costs in development, production and distribution, as these costs are usually shared with, and sometimes even borne entirely by the co-publishers.⁵¹ Because of these advantages, UNITAR, for instance, is using commercial companies for all publications (books) with many pages.⁵²

67. On the other hand, a "joint publication", in UN terminology, is recognized as a publication that is made by 2 or more agencies. There are a variety of arrangements in this modality. Examples include the *System of National Accounts*, published in 1993 after more than 10 years of joint efforts by the United Nations Statistical Division, the World Bank, IMF, OECD and the Commission of European Community, and, the *World's Women: Trends and Statistics (1995)*, published by the United Nations, with the financial support of a number of agencies, including UNICEF, UNFPA, UNDP, UNESCO and WHO. Both publications were produced in a joint manner on the basis of recommendations made by the Statistical Commission. The distinct nature of each organization, their different focus and the problems inherent in the coordination process are making joint publishing somewhat difficult occasionally. In general, however, this arrangement appears to have been successful and should be promoted, as appropriate. In addition to the examples above, successful examples of joint publications have been reported to the Inspectors in particular by WIPO, UNCTAD and UNEP.

(→ recommendation 15)

C.3 Sales and distribution stage

C.3.1 Sales versus free distribution

68. Sales versus the free distribution of publications has been a basic policy issue for some time, and although the Publications Board now has a policy on the matter, it has always been a challenge to the Board to find a balance between the two, in order to respond to a dual mandate for broadening dissemination while maximizing sales revenue to recover costs to the extent possible.⁵³

Newly developing electronic technologies are posing added challenges in this regard.

69. In the United Nations system, on average 80 percent of publications are distributed freely while 20 per cent are sold.⁵⁴ The situation varies widely from organization to organization; some organizations such as UNDP and UNFPA are distributing all publications for free⁵⁵, whereas there are some organizations which are trying to reduce free distribution if possible, because of the magnitude of mailing charges, etc. In any case, when publications are distributed freely, it is essential that these publications actually reach their intended target audiences with optimum penetration, which can be measured through poll checks and other means.⁵⁶

C.3.2 Sales income and its treatment

Size of sales income

70. Revenue from the sale of United Nations publications has been rising in the recent years and the revenue for the 1996-1997 biennium is expected to be around US \$ 16.2 million.⁵⁷ This sales income is larger than the sales income estimated to be accrued by any other organization in the United Nations system (see annex), but this figure constitutes roughly half of the sales income of, say, OECD for the same period. The Inspectors believe that there is a need to monitor sales income more closely.

(→ recommendation 16)

Treatment of sales income

71. According to the current practice, sales revenue is primarily used, in effect, to finance a number of the staff posts of the DPI Sales Section, and in the Sales Unit in Geneva, as well as other sales-related costs (other staff costs, general operating expenses, etc.), at both Headquarters and Geneva. During 1994-1995, for instance, the United Nations sales income was approximately US \$ 15.2 million, but since the sales-related expenses which were financed by the sales income amounted to US \$ 14.2 million, the "net income" was only US\$ 1 million.⁵⁸

72. Although the Inspectors are aware that the income derived from other revenue-producing activities (e.g., UN Postal Administration, gift centre, garage operations) are treated in basically

the same manner as the income resulting from the sales of publications, they nevertheless wish to question the rationale behind the above treatment of income from sales of publications. For, there seems to be no apparent reason why only the sales-related expenses (including staff costs) of Headquarters and Geneva should be covered by sales income. Sales income cannot be considered as the outcome of efforts of only those who are directly involved in the sales, but is rather the result of the collective efforts or performance of all those involved in the whole publishing process.

73. In this context, it is noted that within the United Nations system, there are a number of organizations (including UNESCO, ILO, WHO, FAO, IMO, ITU and the World Bank) which have a publications fund or account, financed primarily by the revenue generated by the sale of publications (in other words, sales income is not returned to a general account). Most of the funds/accounts are revolving in nature or self-sustaining in terms of cost recovery by sales income.⁵⁹ The major objective of maintaining a fund or account is to provide various departments (including the author departments) with incentives to make publishing activities more cost-effective with respect to the preparation, production and operating costs, etc. involved, in addition to the sales promotion, although the actual operational focus varies from organization to organization. At UNESCO, for example, the author departments receive 5 percent of sales income, whereas at FAO and WHO, for instance, sales income is intended to be used mainly for sales promotion. In the case of the World Bank, the current practice is that as much as 60 percent of sales income is distributed to the author departments, with the remainder earmarked for marketing and distribution activities.⁶⁰

74. The Inspectors believe that the current United Nations practice of treating the sales income should be reviewed with the aim of using this income in a more rational and cost-effective way, by taking into account some of the practices already in place in other organizations, as appropriate.

(→ recommendation 17)

C.3.3 Pricing, marketing and distribution

Pricing

75. The pricing policy of the United Nations is basically guided by the principle of maximizing the revenue from the sale of publications to the extent consistent with ensuring their widest possible dissemination. Within this broad framework, the pricing policy of the United Nations is practically based not only on printing costs, but also takes into account other related costs (such as editing, design and marketing) as well as market and industry circumstances. This pricing policy should also reflect the quality and content of each publication from a marketing point of view, and special consideration should be made for readers in developing countries (through the use of, say, tier-pricing).⁶¹ While the main consideration behind current pricing policy is to ensure that the costs associated with the production of the publications are to be reflected in the price, the fundamental problem is that costs for the majority of publications are not available for internally produced publications (see section C.2.1).⁶²

76. In theory, the identification of direct production costs should be easier for publications which are produced externally, and organizations such as UNESCO, where publications are produced almost exclusively externally have a clearly-established formula⁶³ for determining the price of a publication. Another example is the United States Government Printing Office, which has also a very clear-cut pricing practice.⁶⁴

Marketing and Sales Promotion

77. The marketing and promotion of sales of the United Nations publications include advertising, direct mail promotions, fairs/exhibits, sales visits, market research, a book review programme, an adoption programme (which promotes publications to university professors in an effort to get them to adopt a publication as a text for their courses) as well as Internet marketing.⁶⁵ Although it appears that marketing and other promotional efforts have intensified somewhat lately, there is still a need to strengthen such efforts, based on more systematic market analysis of sales potential and on readership surveys, as well as on any other innovative approaches.⁶⁶

(→ recommendation 18)

Distribution

78. With a view to reaching target audiences in a timely and cost-effective manner, the United Nations has taken a number of measures. These include: a system of multiple mailing lists (both at Headquarters and at the United Nations information centres); the computerization of distribution lists; joint cooperation with commercial publishers; and, the distribution of free publications in particular through the Internet, which enables substantial savings in distribution costs.

79. The Secretary-General, as the Chairman of the Administrative Committee on Coordination (ACC), through its mechanism of IAMLADP, may wish to take the initiative of enhancing coordination with other United Nations system organizations on matters such as sharing mailing lists, reciprocal catalogue advertising, joint advertising in professional journals, exchange of information on the performance of sales agents, etc. as recommended by IAMLADP.⁶⁷

NOTES

1. In particular, JIU/REP/71/8 and JIU/REP/84/5.
2. See IAMLADP/1996/R.11
3. For more details, see A/C.5/50/57 of 28 March 1996.
4. These findings are basically related to the mechanisms/processes in place for identifying the relevance, usefulness and potential for duplication of existing United Nations publications.
5. A/C.5/48/10, para. 10.
6. Ibid., para. 11.
7. *Africa Recovery* readership survey report (DPI) dated 2 February 1995.
8. JIU/REP/95/12, paras. 134-145.
9. In the case of DPI, however, it has been communicated to the Inspectors that "given the specificity of its public information mandated functions and purposes, alternative means to the 'publications option' are not available."
10. A/C.5/50/57, page 12.
11. Another case where efforts to identify unnecessary duplication of publications are being made is DPI in which "most of DPI's publications are produced in consultation either with substantive departments and/or with other agencies and programmes of the UN system ... to avoid unnecessary duplication."
12. For example, "resolutions of the General Assembly are issued first in draft form in reports submitted by Main Committees and then as General Assembly documents; the resolutions are then issued by the Department of Public Information as an unofficial consolidated publication for the press; and finally they are issued in an official consolidated printed format. Many publications appear as parliamentary reports and are then reissued as sales publications." (A/50/7, para. 77)
13. ECLAC has informed the JIU that there is little (approximately 2% only) overlap between World Economic/Social Survey and their Economic Survey and that "the two are very complementary."
14. The consolidation of DPCSD, DESIPA and DDSMS as proposed recently by the Secretary-General can be seen along these lines (the Bulletin of United Nations reform, No.1, 17 March 1997).
15. JIU/REP/92/5.
16. A/51/406, para. 63.
17. A/C.5/48/10, para. 19.
18. Such is the case of UNCTAD which has reported that, after UNCTAD IX, the work programme was rewritten from scratch using a zero-based approach. UNCTAD reported that this has decreased parliamentary documentation and publications (for the first quarter of 1997 over the same period for 1995, translation was down by 58% and document reproduction by 35%).
19. For example, a publication which has a valid legislative mandate but has only marginal utility (on the basis of readership surveys) is considered a marginal publication, whereas a publication which is no more valid (on the basis of, say, a 'sun-set rule') is considered obsolete.
20. It is recalled that ACABQ has stressed the need to review "the date when each publication was first requested, who requested such publication, when it was last received and by whom", the objective of which should be to streamline "publications programme by elimination of duplicative publications, discontinuing publications which are considered no longer relevant to the implementation of the approved mandates, or merging publications, thus providing publications at less cost and releasing resources for other activities of the United Nations" (A/50/7, paras. 76-77).
21. The World Bank, for instance, has a Manual ("Publications policies and procedures") dated April 1994.
22. In 1993, the Publishing Division of OCSS was abolished and its functions were redistributed between OCSS and DPI.

23. The Inspectors have been informed that the two units for editorials in DPI and OCSS "process different materials and their separate existence does not entail double work."
24. A/C.5/48/10, para. 60.
25. The Inspectors were informed very recently that, as a result of efforts among DPI, OCSS and OLA to rationalize the production process for the *Treaty Series*, the steps set out in chart 2 have been significantly reduced and that the backlog is expected to be quickly run down.
26. Rule 110.38.
27. In 1993, for instance, the fully-constituted Publications Board did not meet at all (see "Update of A/C.5/48/10, para. 14).
28. The Inspectors have been informed that "the committee's regular meetings are supplemented by the activities of several working groups of the Board, e.g., a new publications promotions group has been established to strengthen coordination in the publications programme and enhance the quality and presentation of UN publications."
29. The term "centralized" refers here only to the Headquarters' structure.
30. Another related example is the Council of Europe, where a centralized Publishing and Documentation Service has been established as the result of a major restructuring measure in 1990, consolidating the Directorate of Administration, the Directorate of Information and the Linguistic Service for Translation and Conferences.
31. ILO, GB 265/3/3, March 1996, paras. 7-14.
32. The Bulletin of United Nations reform, No.1, 17 March 1997
33. It is recalled in this context that OIOS recommended to the Publications Board to "adopt a policy by the end of 1996 requiring departments to establish departmental reading committees, or a procedure for peer review of technical publications, which should follow standard external procedures" adapted for the United Nations requirements (E/AC.51/1996/2, para. 64).
34. A/50/6/Rev.1 (Proposed Programme Budget for 1996-1997), Vol. II, page 399.
35. The publications the Inspectors refer to here are those financed by the regular budget of the United Nations only.
36. The *Blue Books series* were originally intended to cover the peace-keeping activities only, but were expanded subsequently to encompass wide-ranging activities such as the advancement of women, human rights, population and social development, with a somewhat awkward financial arrangement utilizing projected savings in the external printing account to cover the costs of publications, except for those on peace-keeping, funding of which were made available by DPKO in an ad hoc manner.
37. Despite a 15% staff reduction, the Treaty Section could manage to produce "60 volumes in one year (1996), doubling the number produced and significantly cutting production time" (A/51/873, 21 April 1997, page 4).
38. The Inspectors have been informed that the computerized Documents Recording, Information and Tracking System (DRITS) which has been in operation since early 1990's serves for this purpose.
39. WHO, *Management Survey Report*, No. 190, August 1986.
40. "Proposed level of resources required for external printing for 1996-1997 amounts to \$6,165,800, reflecting a reduction of 24.6% over the 1994-1995 appropriation" (A/50/7, para 79).
41. The Inspectors have been informed, however, that the UN Secretariat has recently improved its equipment and is now able to produce high quality, colour work with increased efficiency.
42. Update of A/C.5/48/10, para. 5.
43. IAMLADP/1994/R.6/Add.1, para. 10.
44. IAMLADP/1994/R.6, para. 10.
45. IAMLADP/1994/R.6/Add.2, para. 14.

46. The Turin Centre maintains a contract with a private company whereby the private company provides staff for operating printing machines in the Centre. Thus, labor costs are kept below the level of the international civil service, while the Centre can exercise complete control in the stages of the printing process.

47. DPI comments dated 4 September 1996 on the report by Mandl entitled "A review of UN publications policies, practices and operations."

48. ST/AI/189/Add. 28, 14 August 1996.

49. Apart from the cooperative arrangements covered here, there are some other arrangements such as "sponsorship" of publications that could be of benefit to the UN organizations. For instance, UNESCO has a policy on sponsorship of publications (Administrative Circular No. 1875), whereby the organization has issued publications that were developed externally, asking for royalties in the use of UNESCO's symbol.

50. A/C.5/48/10, para. 51.

51. For example, UNBIS Plus (CD-ROM) was developed by an external publisher without cost to the United Nations. The United Nations provided data and received free copies. The United Nations will also acquire royalties in the future after the publisher has recovered the development cost.

52. However, WHO indicated that they did not share the view of the relative advantages of external publishing set out in para. 66.

53. Update of A/C.5/48/10, para. 18.

54. Report by Mandl entitled "A review of UN publications policies, practices and operations" of 30 April 1993, page 40.

55. Except for the Human Development Report (UNDP).

56. WHO, *Management Survey Report* No. 190.

57. A/50/6/Rev.1, Vol. II, page 589.

58. *Ibid.*, page 589.

59. For instance, the US Government Printing Office has a revolving account, with a straightforward objective of recovering direct cost only by sales income.

60. At ILO, most of the sales income is used currently for marketing, reprint and translation purposes.

61. ST/AI/189/Add.15/Rev.1.

62. Report on the sale of publications, 1994 and 1995 (96/DPI/2).

63. In the case of UNESCO, in principle a multiplier co-efficient (5-5.5) is applied to direct costs (external pre-production, printing and binding costs). UNESCO has explained that, for example, if 3000 copies of a publication cost US\$ 4000, the unit price would be US\$ 1.33. Then a multiplier (say 5) is used to get the catalogue price (US\$ 6.65), 50% (55% in the case of developing countries) of which would go to distributors. To get net profit, freight and promotion costs would further have to be deducted.

64. Sales prices are fixed according to (i) costs as determined by the Public Printer; and (ii) 50 percent mark-up. Costs include printing and binding, handling and postage. The 50 percent mark-up covers the costs of reprints, statutorily authorized 25 percent discounts to book dealers and quantity purchasers, unsaleable publications and related expenses. For overseas shipping, there is further 25 percent mark-up.

65. Report on the sale of publications, 1994 and 1995 (96/DPI/2). For instance, United Nations publications catalogue was placed on the Internet in August 1995.

66. For instance, the use of credit cards for purchasing publications has been introduced in some organizations (for instance, UNESCO), which has had a positive impact on sales of publications. In the case of the UN, it has been pointed out that an 800 number is being used very efficiently in addition to credit cards.

67. IAMLADP/1996/R.11, para. 15.

Table 1. Selected Indicators on Publishing Activities*

Organization	FINANCIAL RESOURCES FOR PUBLISHING ACTIVITIES (1996-1997)			SALES INCOME FROM PUBLICATIONS			INFORMATION SYSTEM ON:	
	Regular Budget		Extrabudgetary ¹	Amount ¹ (1996-1997)	Treatment Deposit to: % ²		Direct Cost	Indirect Cost
	\$ million	% ³			Regular Budget	Publications Fund/Account		
UN	*			16.2	100		yes ⁵	no
ECA	0.3	0.3			100		no	no
ECE	0.2 ⁶	0.5		0.3 ⁷	100		no	no
ECLAC	6.7 ⁸	8.2	0.05	0.05 ⁷	100		yes	no
ESCAP					100		no	no
ESCWA	0.05		0.08	0.01	100		no	no
FAO	23.5 ⁹	3.6	2.4	2		100	yes	no
IAEA	43.9 ⁹	10.0	3.0 ⁹	1.9	100 ¹⁰		no	yes
ICAO							no	no
IMO	6.8	11.2	0	9.2		100	yes	yes
ILO	7.3	1.3		4.3		100	yes	no
ITU						100	yes	yes
UNCHS	0.07		0.2					
UNCTAD								
UNDP							yes	yes
UNEP	0		2.4 ¹¹	0.2		100	no	no
UNESCO	1.8 ¹²	0.4	6.6	6.5		100	yes	no
UNFPA								
UNHCR	2.5 ¹³			14	100 ¹⁴		no	no
UNICEF					100 ¹⁵			
UNIDO	1.5	0.9	0.5	0.2	100 ¹⁶		no	no
UNU				0.5	100		yes	no
UPU	2.0	4.2		0.9	100		yes	yes
WFP							yes	no
WHO ¹⁷	12.7	4.2	7.7	6.5		100 ¹⁸	yes	no ¹⁹
WIPO	20		0.1	5.6	100		yes	
WMO						100	yes	yes
(Reference)								
IMF				4.5 ²⁰				
World Bank				2.8 ²¹				
Council of Europe								
OECD					100			
GPO				81.82 ²¹		100		

* as reported by the organizations concerned

¹ estimates² % of sales income total³ % of regular budget total⁴ no appropriate figure can be provided except 75.3 million, which are the provisions for "publishing services" under Section 26E (A/50/6/Rev. 1). Publications are assumed to account for about 10% of the amount, but it represents only a part of resources devoted to publications.⁵ certain publications only⁶ amount allocated by New York for external printing⁷ part of sales income at Headquarters⁸ includes budget for documents⁹ includes staff costs, publishing and printing costs, etc.¹⁰ except for the case of one journal¹¹ includes budget for documents¹² printing costs excluding UNESCO courier¹³ consolidated figure managed by UNHCR's Public Information Section¹⁴ income from the sales of publications is minimal (e.g., the expected income for 1997 is US\$ 19 500) since most of UNHCR publications are provided free of charge. Sales income is credited to miscellaneous income (general account).¹⁵ whole of sales income is transferred to general resources¹⁶ of which 59.3% is used to reduce the contribution of the Member States, 40.7% to reimburse cost of printing, promotion, etc.¹⁷ Headquarters only¹⁸ sales income is to be used in support sales, marketing and promotion efforts, staff responsible for those efforts, reprints for sales purposes (res. WHA 22.8) and, in cases of a surplus, it will be credited to a general account.¹⁹ but WHO did make a cost analysis on (13) selected publications in 1986²⁰ does not have an explicit expenditure budget for publications²¹ annual figure

PRINTING METHOD			NUMBER OF TITLES PUBLISHED (1995)		NUMBER OF ELECTRONIC PUBLICATIONS (1991-1997)			Organization
Internally	Externally	Mix	Titles	of which are electronic (no.)	Diskettes	CD-ROMs	On-line	
		✓				3		UN
		✓	223	2	5	1	60	ECA
		✓	71	4				ECE
		✓	358	1	2	5	5	ECLAC
		✓	124	0				ESCAP
		✓	76	0	7	0	0	ESCWA
		✓	924	25	35	4	10	FAO
		✓ ²²	191	1				IAEA
✓ ²³			169	26				ICAO
✓ ²⁴			32	6	1	5		IMO
	✓ ²⁵		32	1		3		ILO
		✓ ²⁶	290	20	100	30	2 400	ITU
✓								UNCHS
		✓	261	3				UNCTAD
	✓ ²⁷		50 ²⁸	0			200 ²⁹	UNDP
		✓	80	0	0	0		UNEP
	✓		91 ³⁰	12		17	1	UNESCO
								UNFPA
		✓ ³¹	37	2		1	1	UNHCR
								UNICEF
		✓ ³²	19	4	8			UNIDO
	✓		26	0	1			UNU
		✓	28	0		1	5-10	UPU
	✓		2	0	0	0	0	WFP
	✓		46 ³³	1	1		2	WHO
		✓	36 004 ³⁴	237	2	1 040	40 ³⁵	WIPO
		✓ ³⁶	45	0	3		10	WMO
								(Reference)
								IMF
			560					World Bank
		✓						Council of Europe
✓ ³⁷								OECD
		✓ ³⁸						GPO

²² printing is done externally when internal capacity is insufficient and/or external production is expected to be cost-effective

²³ except for the ICAO Journal

²⁴ in principle, only colour separations are done externally

²⁵ most sales publications in general are printed externally

²⁶ 80% externally

²⁷ most printing is done externally

²⁸ at Headquarters

²⁹ per year (includes press releases and news bulletins)

³⁰ excluding one monthly and 6 quarterly periodicals

³¹ publications requiring full-colour and quality printing are printed externally

³² all advocacy publications (Progress of Nations, The State of the World's Children, Annual Report, etc.) are put on the Internet, increasingly in French and Spanish as well as in English

³³ excluding 7 journals (one weekly, 2 bi-monthly, and 4 quarterly) and one journal supplement

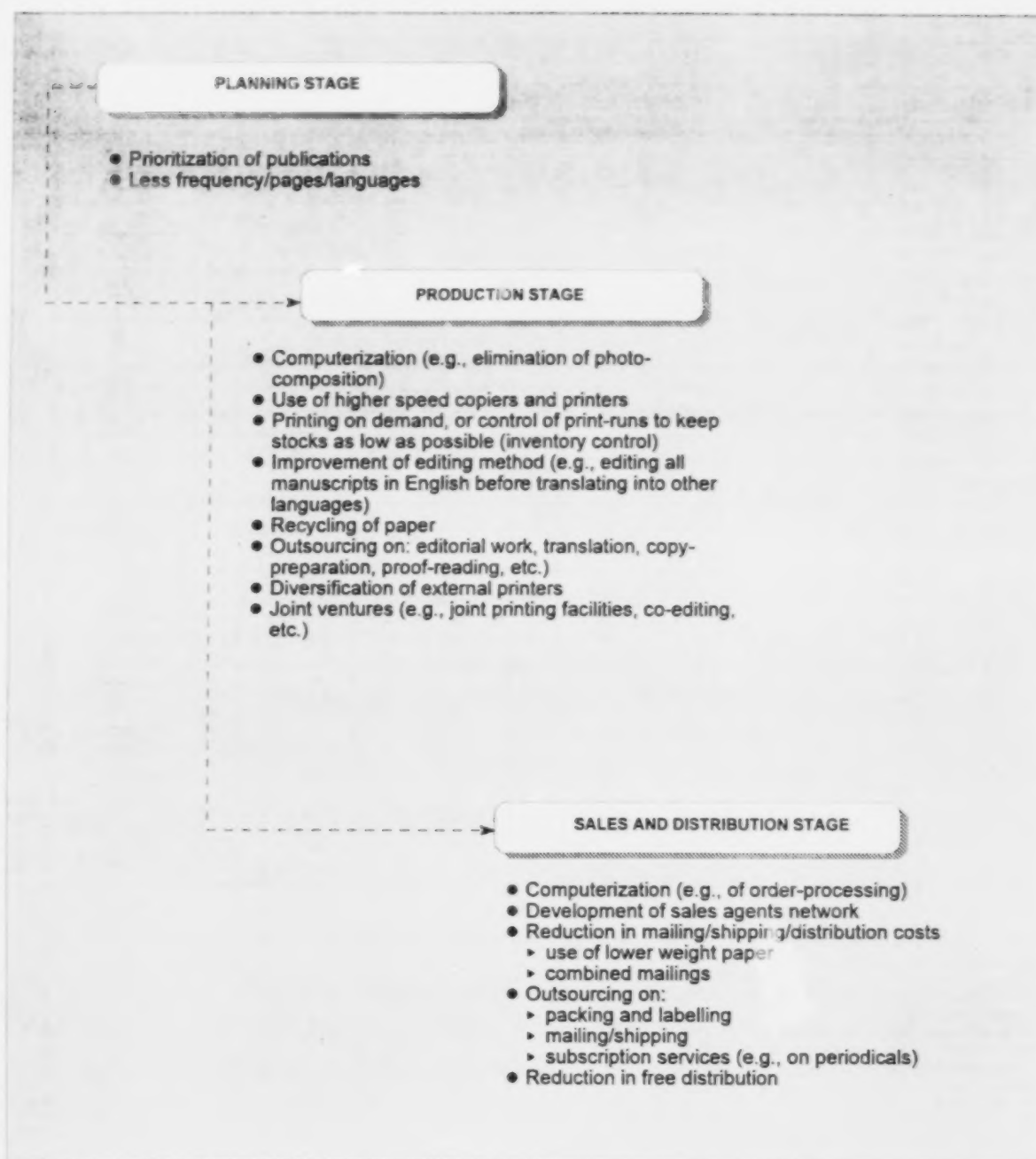
³⁴ publications constitute a central element of WIPO's output, particularly for the registration activities under a number of Treaty/Agreement/Protocol(s)

³⁵ 800 publications on magnetic tapes are also produced

³⁶ in principle, internally

³⁷ mostly internally

TABLE 2. SOME ADDITIONAL COST-EFFECTIVE MEASURES*



* Measures suggested by organizations within the United Nations system, but not covered in the main part of this report.



General Assembly
Security Council

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21 July 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda items 109 and 110
RIGHT OF PEOPLES TO SELF-DETERMINATION
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-second year

Letter dated 21 July 1997 from the Permanent Representative
of Cambodia to the United Nations addressed to the
Secretary-General

I have the honour to enclose herewith for your information a letter dated 18 July 1997 addressed to you from Prince Norodom Ranariddh, First Prime Minister of the Royal Government of Cambodia, concerning the bloody coup d'état launched on 4 and 5 July 1997 by Second Prime Minister Samdech Hun Sen against the democratically elected First Prime Minister.

I would be deeply grateful to you if you would kindly circulate the text of the present letter and its annex as a document of the fifty-first session of the General Assembly, under agenda items 109 and 110, and of the Security Council.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary and Plenipotentiary
Permanent Representative



ANNEX

Letter dated 18 July 1997 from the First Prime Minister
of Cambodia addressed to the Secretary-General

I have the honour to express my deep gratitude for your concern over the situation in my country and your leadership in the efforts to find a peaceful solution to the current political crisis in Cambodia. I am deeply gratified to you for receiving me on Thursday, 10 July, at United Nations Headquarters, and sharing with me your views on the matter.

As you are well aware, the crisis is far from over. As I write this letter, the members of the Association of South-East Asian Nations are working diligently to bring the situation back into the framework of the 1991 Paris Peace Agreements.

May I be permitted to clarify a number of issues in the development of the crisis to place the situation in the proper context:

1. The main reason advanced by the authors of the brutal "coup d'état" against me, the legally elected First Prime Minister as the result of a United Nations-organized and supervised election, as contained in a letter dated 8 July 1997 to you from Samdech Chea Sim, the President of the Cambodian's People's Party and Chief of State a.i., was the "penetration of illegal forces, above all, hardcore and hardline armed Khmer Rouge soldiers" in and around Phnom Penh. United Nations human rights workers investigating the claim have declared today that they found no evidence to support such a claim. As the co-Commander-in-Chief of the Royal Cambodian Armed Forces, I had no knowledge, nor was I informed by my coalition partners, of any Khmer Rouge infiltrations. Samdech Hun Sen alone issued such an order, and not I, and he then again violated the Joint High Command's order. As Head of State a.i., Samdech Chea Sim should not have taken side on this issue.
2. The authors of the coup also claimed that "these preventive actions made by the Royal Government have been decided to defend the Constitution of the Kingdom of Cambodia and the achievements obtained since the general elections of 1993". It is needless for me to refute this claim by the coup leaders, as the entire world has been informed by the media and international aid workers of the barbaric behaviour of armed partisans of the Cambodian People's Party. As many as 40 people have died in the capital of Phnom Penh alone, many of them after having been tortured. The entire capital has been looted by the partisans of the Cambodian People's Party, who behaved worse than conquerors in a conquered land.
3. The authors of the "coup" further accused me and my followers of having "joined hands with the outlawed Khmer Rouge"; however, no evidence has been produced to substantiate this claim.
4. Samdech Chea Sim's letter made reference to the fact that "the Prince has chosen his way, away from the motherland and the Cambodian people". I wish to inform you that I was scheduled to leave Cambodia for France later in the

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afternoon of 5 July 1997, but was convinced to leave earlier by my military advisers and the late General Ho Sok, who were aware of an imminent coup against me and feared for my life. Subsequent events in Phnom Penh confirmed the fear of my aides that had I stayed, I would surely have been assassinated.

5. Samdech Hun Sen himself fled the country before he ordered the coup d'état and was reported to be in Hanoi, as confirmed by the Vietnamese Foreign Ministry. He never told anybody where he had gone. Only after the victorious coup did he return to Phnom Penh. All the video tapes shown on national television were pre-recorded before Samdech Hun Sen's departure for Viet Nam.

6. Samdech Chea Sim informed you that a "state of normalcy has returned" in Cambodia. Reports from Phnom Penh and other parts of Cambodia suggest otherwise. Armed partisans of the Cambodian People's Party continue to hunt down and persecute members of the Funcinpec Party, the Buddhist Liberal Democratic Party, the Khmer Nation Party and other opposition parties. To date, as many as 29 members of the Cambodian Parliament and numerous government officials not belonging to the Cambodian People's Party or not cooperating with it, have fled for their lives to neighbouring countries. Others are still in hiding and waiting for the opportunity to cross the border as well.

7. Finally, I would be deeply grateful to you if your Special Representative on Human Rights in Cambodia, Mr. Thomas Hammerberg, would investigate the killings and torture in custody committed by the order of Samdech Hun Sen against Funcinpec cadres, and report it to you and to the Third Committee and the plenary meeting of the General Assembly at its fifty-second session. These endless crimes of political harassment, intimidation and threat continue to this present day.

(Signed) NORODOM Ranariddh
First Prime Minister
